

Questions & Follow-Up Items from Inmates & Federal Medicaid Funds Meeting On Tuesday, August 11, 2009

Suspension Conversation

1. General Discussion on SB 08-006

- a. Generally, Medicaid in Colorado covers low-income families (parents and children) and individuals with a disability. There is no coverage for adults without dependent children in the household.
 - i. When an individual is incarcerated, they are residing outside of the household and in a jail or prison. Since the individual (parent) is no longer residing in a home with dependent children, then there is no category for eligibility under Colorado Medicaid. As such, once a parent is incarcerated, they are ineligible for Colorado Medicaid.
 - ii. Other states may have a Medicaid expansion that will cover adults without dependent children, but Colorado does not.
 - iii. CMS has stated that since Colorado Medicaid does not have an eligibility category to cover adults without dependent children, then there is really no way to operationalize a “suspension” of Medicaid eligibility for parents who are incarcerated.
- b. Under the State Plan, the Colorado Medicaid only covers disabled adults who are receiving SSI. Colorado Medicaid is not available for those eligible, but not receiving SSI.
 - i. Further, Colorado has chosen the option under the State Plan, where disability is determined by SSA. The Department receives information direction from SSA on who is receiving SSI.
 - ii. Since the Department follows the information received directly from SSI, then there is no ability for the Department to operationalize a “suspension” of Medicaid eligibility for these individuals who are incarcerated and no longer receiving SSI payments.
- c. Under state law, Medicaid eligibility is terminated if there is no FFP available. Federal law does not require Medicaid eligibility to be discontinued when an individual is incarcerated, but no FFP is available when an individual is incarcerated.
- d. Based on the conversation above, there is little opportunity for the Department to actually “suspend” Medicaid eligibility for a majority of the Medicaid population. In actuality, the only people who could have their Medicaid eligibility suspended while incarcerated are pregnant females.

2. If a County Technician is notified that a client is incarceration how is SSI getting the information?
 - a. SSI has a deal with the prisons that if the prisons notify SSI when someone is incarcerated the prisons will get some money from SSI.
 - b. County Technicians are only notified directly by the client or the client's family. CBMS should receive a notification from SSA to automatically terminate the Medicaid benefits for the client, when SSI payments are suspended or termination.
3. Has the Department looked at changing the State Plan and allow the State to complete the disability determination? This would allow Colorado Medicaid to cover individuals not receiving SSI, but determined disabled through the SSA criteria.
 - a. Some states have done this because they feel they can do it faster but they still have to follow the same SSA disability guidelines.
 - b. This option would cost the Department and Counties more because they would have to hire additional people to make disability determinations for a significantly large population.
 - c. Further, this may increase Medicaid caseload. Since this option has a direct impact on the State Budget, it would take a legislative action.
4. How can Medicaid pay for an inpatient hospital stay for someone transferred from the jail/prison?
 - a. Under federal regulations, an individual is no longer considered an inmate when they receive an inpatient hospital service. As such, their Medicaid eligibility can be restored under State law and FFP is available for the inpatient hospital service.
 - b. Unfortunately, an inmate's Medicaid eligibility will be terminated when incarcerated, since the act of incarceration is a "change in circumstance" and Colorado Medicaid has no eligibility category to cover adults without dependent children. The only individuals who will be eligible to have their Medicaid suspended under SB 06-008 will be pregnant females.
 - c. Therefore, to have Medicaid cover the inpatient hospital service, the individual will need to have Medicaid eligibility reinstated for the time they resided in the inpatient hospital setting. Then when the individual is transferred back to the jail/prison, their eligibility will need to be terminated.
5. Follow-up item: How many people are Medicaid eligible when they become incarcerated? How many in jail/prison come in with SSI Medicaid vs. Family Medicaid?
6. Is there an alternative to SB 06-008 which will achieve the same goal?
 - a. CMS has suggested that CBMS (Medicaid eligibility system) could have a code for individuals that are part of the family household but residing in a public facility. This would allow the individual to remain Medicaid eligible, but the code sent to MMIS would only allow inpatient hospital claims to be paid for that individual.

- b. This will take some CBMS and MMIS coding changes, which will have a financial impact that was not part of SB 06-008.
 - c. To turn the code off and on, someone will need to contact the County Technician. Further, taking someone in and out of Family Medicaid will impact eligibility for other programs in CBMS.
7. Can CBMS use a “suspend” code for those on SSI when their benefits are suspended?
- a. The Department thinks this is possible, but will need to verify the policy with CMS. This would allow the individual to remain Medicaid eligible, but the code sent to MMIS would not allow any claims to be paid for that individual.
 - b. Unfortunately, building this code would have no material impact to clients. Medicaid is only available to those receiving SSI, so until SSA is reinstated the payment no Medicaid or FFP is available for these individuals.
 - c. Follow-up item: If the Department built this code into CBMS and then MMIS, could providers be notified that Medicaid eligibility is suspended until SSI has been reinstated? This notice to providers that the client is trying to get SSI reinstated may help the client get services.
8. Is there a policy that once SSI is reinstated then Medicaid eligibility is automatically reinstated?
- a. Yes, but under the State Plan the client must be receiving a SSI payment and as soon as that happens there should be a reinstatement of Medicaid.
 - b. It seems that a County Technician needs to modify the client’s case when they are released from jail/prison? The Department believes that through the interface with SSA, the Medicaid eligibility for clients receiving SSI should be automatic. The Department is working with CBMS staff to verify this process.
9. Currently there is a process for Denver County to notice SSA when individuals are incarcerated and then released. Could we expand that to all county jails and state prisons?
- a. Denver County sends out an Excel database everyday of those coming in and out to area organizations who want this information such as shelters. Denver County also has a 60 day ID card that is similar to a driver’s license that is accepted at shelters and such they could add SSI eligible to it so the pharmacy would know as well.
 - a. Could it all be done more efficiently and faster by having SSA, the jail and Human Services interact with each other and share this information between them?
 - b. This is probably outside the authority of the Department, but we will escalate the concept to other groups working on SSI benefits/issues.
10. Follow-up: Asked for smaller focus group to come up with a couple of solutions to bring back to the larger group.

Community Correction Programs Conversation

1. Why does the Colorado Indigent Care Program (CICP) not cover people in Community Corrections?
 - a. The CICP is funded through two federal sources: Medicaid and Disproportionate Share Hospital (DSH) payments. Since CMS currently finds that people residing in Community Corrections facilities are inmates and has clearly specified that DSH payments cannot be used for inmates, the Department will not put these payments at risk.
 - b. The Department will need CMS to rule that individuals residing in Community Corrections are not inmates prior to the Department changing the CICP policy.
2. How are individuals residing in a Community Corrections facility considered an inmate if they are free to leave and not return?
 - a. Generally, individual residing at a Community Corrections facility must return each night by a specified time or they are considered to be escaped and an arrest warrant is issued. This is not true for individuals on parole, who are normally residing at the facility voluntarily.
 - b. Even if an individual is allowed a night pass, to be away from the facility for more than 24-hours, they must return to the facility which is considered their place of residence.
3. Are people in Community Corrections eligible to receive SSI?
 - a. It was incorrectly thought that individuals in Community Correction are eligible for SSI. After some research by the Department and conversations with the Community Corrections Program it is now understood that individuals residing in Community Corrections facilities are not eligible for SSI.
 - b. Please see the SSA Denver Program Circular, dated 6/20/07, which states that SSI is only available for individuals residing at Community Corrections facilities if that individual pays for his/her own basic living needs, including rent and utilities, and that no public funds are expended on his/her behalf. Since the State funds Community Correction facilities on a per bed basis and does not distinguish funds by individuals, all residents in a Community Corrections facility are in some way supported with public funds. As such, in all practicality, no individual in a Community Corrections facility is eligible for SSI.
4. Follow-up: It would seem that the best argument is that Community Correction facilities are private-owned and not operated under the direct supervision of the state. When will the Department issue a letter to CMS making that argument?
 - a. The Department hoped to issue the letter to CMS by September 15th, 2009.
 - b. Unfortunately due to pressing budget concerns and other priorities, the Department does not expect to issue that letter until November 1, 2009. The letter will be available on the Department's website.