Bureau of TennCare
Policy Manual

Policy No: EED 06-001	
Subject: Eligibility of Incarcerated Individuals	
Approved by: J.D. Hickey	Date: 1/26/06

PURPOSE:

The purpose of this policy is to clarify the meaning of the term "incarcerated" as it applies to persons who are eligible or who might be eligible for TennCare.

POLICY:

Persons who are considered "incarcerated" are not eligible for TennCare. See TennCare rules 1200-13-13-.10 and 1200-13-14-.10. See also Tennessee Attorney General's Opinion No. 02-088, August 20, 2002. This opinion states that "the TennCare program may properly deny coverage of medical charges incurred by an incarcerated TennCare enrollee, either before or after he or she is convicted of criminal charges" (see p. 3).

Persons who are eligible for TennCare at the time they become incarcerated will have their eligibility terminated at such time as TennCare learns of the incarceration and verifies that the individual is in fact incarcerated. TennCare eligibles who become incarcerated and who are removed from the TennCare program will have to reapply for TennCare at the time their period of incarceration ends, with their eligibility for TennCare being determined after incarceration according to the criteria in effect at the time they re-apply. Eligibility of individuals who are disenrolled from TennCare because they are incarcerated is not "suspended" for the period of the incarceration.

There are two groups of enrollees who are not physically removed from TennCare when they become incarcerated. These groups are:

1. SSI *Daniels* enrollees.[1]

[1] SSI refers to Supplemental Security Income. "SSI *Daniels*" enrollees are persons who may have lost eligibility for SSI but who remain eligible for TennCare as the result of a Court Order preventing Tennessee from disenrolling these individuals when they lose SSI.

2. TennCare-eligible children entering Youth Development Centers (YDCs).

SSI Daniels enrollees are ineligible for TennCare payment of services while they are incarcerated. Their eligibility for coverage resumes, however, when they are released.

There is a different policy in place for DCS. Using authority permitted by HCFA Program Issuance Transmittal Notice MCD-05-98 dated 3/6/98, TennCare pays for covered services provided to TennCare-eligible DCS children who are residing in YDCs when these services are delivered in inpatient medical facilities outside the YDCs.

The following table includes a variety of different types of facilities or correctional circumstances which may be considered to provide "incarceration." It should be noted that in order for people to be eligible for TennCare in any of the circumstances indicated below, they must meet the criteria for an open TennCare eligibility category.

"Incarceration"-Type Facilities and Circumstances

Type of Facility or Incarceration Circumstance	Can Persons in these Types of Facilities be Eligible for TennCare?	Comment
Federal prison or jail	No	
State prison or jail	No	
County or local prison or jail	No, unless the person is a minor child being held awaiting hearing or trial for a criminal/delinquent offense. Adults who are charged with a criminal offense, confined to a county jail, and held as a pre-trial detainee are not eligible.	Pre-trial and pre-hearing transportation are the responsibility of the agency operating the jail or detention center.
Youth Development Centers (DCS)	Yes, but only for covered services delivered to already enrolled TennCare members in inpatient medical facilities outside the YDC and for services delivered pursuant to *Grier*.	Special provisions for service appeals for children in YDCs are contained in the *Grier* Modified Consent Decree, Section C.15(f). These provisions permit appeals related to adverse actions that occurred prior to the child's entering the YDC, if the child still needs the service and it is not provided in the YDC.
Juvenile detention centers (DCS)	Yes	Pre-trial and pre-hearing transportation are the responsibility of the agency operating the jail or detention center.

Type of Facility or Incarceration Circumstance	Can Persons in these Types of Facilities be Eligible for TennCare?	Comment
Person is on "furlough" (meaning, a brief release from prison before returning to prison)	No	The individual who is on "furlough" from jail is still considered to be incarcerated.

PROCEDURES:

1. TennCare learns of incarcerations from the Department of Corrections and the Department of Children's Services through file transfers.

   a. The Department of Corrections sends prisoners' names to TennCare and/or its contractor or agent on a regular basis. These names are entered into the TennCare data system and reported in file TPL-0061-Q. Names are matched to TennCare eligibility files to identify persons who should be disenrolled because they are incarcerated. The resulting list is reviewed in order to remove names of persons for whom disenrollment is inappropriate (e.g., individuals who have left the correctional system since their names were put on the list, *Daniels* SSI enrollees.) The final list is forwarded to the Department of Human Services, which then takes action to terminate TennCare eligibility. Terminations are keyed by DHS. DHS generates enrollee notices.

   b. The Department of Children's Services sends eligibility rosters to TennCare on a regular basis. These rosters include names of children who are in YDCs and names of children who are in detention centers. TennCare uses the YDC roster to determine which children are ineligible for TennCare on a particular day because they are in a YDC. TennCare then takes steps to assure that services across MCCs are not reimbursed by TennCare when they are delivered to children on a day when they are in a YDC. TennCare conducts periodic reviews of the data to be sure that children in YDCs are not identified as being TennCare eligible.

2. In other situations, TennCare learns of incarcerations when these are reported by enrollees, MCCs, or other sources through mechanisms such as the Fraud and Abuse Hotline. At the time it is verified that the individual is indeed incarcerated, he is disenrolled from the program.

DEFINITIONS:

1. Incarcerated. Being held in a penal facility or a related public institution which one cannot leave freely on one's own.

2. Inmate. An individual confined in a local, state, or federal prison, jail, youth development center, or other penal or correctional facility, including a furlough

from such facility. *Source: TennCare rules 1200-13-13-.01 and 1200-13-14-.01.*

3. Juvenile Detention Center. A residential facility for children who are in need of legal temporary placement, who are awaiting adjudication of a pending petition, or who are awaiting disposition and/or placement. The facility has a secure portion for children who meet certain criteria. *Source: TCA 37-1-114.*

4. Youth Development Center (YDC). One of the five state-operated, hardware-secure, residential facilities that provide treatment programs for delinquent youth between the ages of 12 and 19. The typical student at a YDC, according to DCS, "is likely to have committed a violent offense toward another person and may have mental health problems or other specialized needs." The five YDCs in Tennessee are:
    - Mountain View YDC in Dandridge,
    - Taft YDC near Pikeville,
    - Wilder YDC in Somerville,
    - Woodland Hills YDC in Nashville, and
    - New Visions (for girls only) in Nashville.

OFFICES OF PRIMARY RESPONSIBILITY:

- TennCare Division of Information Services (for enrollment/disenrollment of incarcerated individuals)
- TennCare Fiscal (for processing enrollment/disenrollment information)
- DCS (for providing information to TennCare with respect to entry/discharge of children at Youth Development Centers
- DOC (for providing information to TennCare with respect to individuals who are confined in state prisons
- OIG (for verification of incarceration)

REFERENCES:

42 CFR § 435.1009(a)(1)
TennCare rules 1200-13-13-.10 and 1200-13-14-.10
DHS rule 1240-3-3-.02
Grier Revised Consent Decree (Modified) (October 1, 2003)
Tennessee Attorney General's Opinion No. 02-088 (August 20, 2002)
HCFA Program Issuance Transmittal Notice MCD-05-98 dated 3/6/98.

MC