

TO: Local District Commissioners, Medicaid Directors

FROM: Judith Arnold, Director
Division of Coverage and Enrollment

SUBJECT: District of Fiscal Responsibility Rules for Former Inmates Whose Medicaid is Reinstated

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support
Upstate (518)474-8887 NYC (212)417-4500

The purpose of this GIS is to clarify the District of Fiscal Responsibility rules at reinstatement and the case transfer procedures when the mail-in renewal packet is returned by a formerly incarcerated individual with an out-of-county address.

Districts were advised in 08 OHIP/ADM-3, "Maintaining Medicaid Eligibility for Incarcerated Individuals," that coverage will be reinstated in the inmate's district of fiscal responsibility immediately prior to incarceration, as a general practice, for a four-month period. However, to ensure that formerly incarcerated individuals receive a renewal packet, the period of reinstated coverage will begin on the first day of the release month and for the following four months in the district where the releasee had coverage immediately prior to incarceration.

Released to the Community Without Supervision

Recipients are required to report to the LDSS any change in circumstance that may affect their Medicaid eligibility. Therefore, if a formerly incarcerated recipient who has been released to the community without supervision contacts the LDSS with a change of address, the LDSS must update the recipient's address on WMS to ensure that the renewal packet will be mailed to the correct address. However, if the new address is in another district the case must not be transferred to the new district until the five-month reinstatement period has expired, the renewal process has been completed and a determination of ongoing eligibility made. The procedures outlined in 08 OHIP/LCM-1, "Continued Medicaid Eligibility for Recipients Who Change Residency (Luberto v. Daines)" shall be followed to transition the case to the new district.

The LDSS where the former inmate had coverage immediately prior to incarceration is to issue the mail-in renewal packet to the former inmate at the address on WMS. For recipients who have been released from a New York State Department of Correctional Services (NYS DOCS) facility to the community without supervision, the address listed on WMS will be a NYS DOCS facility, unless the recipient has contacted the LDSS with an updated address. If the address on WMS is a New York State Correctional Facility, the district shall issue the mail-in renewal packet to the former inmate at the NYS DOCS address listed on WMS.

The mail-in renewal packet will advise the former inmate that s/he must complete and return the mail-in renewal packet, and any documentation that may be required, to the LDSS where s/he had Medicaid/Family Health Plus (FHP) coverage immediately prior to incarceration.

Released to the Community With Parole Supervision

Upon reinstatement of Medicaid for a parolee released from a NYS DOCS facility, the parolee's mailing address is automatically updated on WMS with his/her parole officer's name and address. If a parolee informs the LDSS of a change of address, the LDSS may record the address change in the case record but should not update the recipient's address on WMS, or transfer the case (if there is an out-of-county move) until the five-month period has expired, the renewal process has been completed and the recipient is determined to be eligible. Therefore, the renewal packet for the parolee will be sent to his/her parole officer at the appropriate parole office address by the LDSS where the former inmate had coverage immediately prior to incarceration. Pursuant to procedures established with the Division of Parole, the parole officer will provide the mail-in renewal packet to the parolee as soon as possible.

The mail-in renewal packet will advise the former inmate that s/he must complete and return the mail-in renewal packet, and any documentation that may be required, to the LDSS where s/he had Medicaid/Family Health Plus (FHP) coverage immediately prior to incarceration.

Mail-In Renewal Returned to District With Out-of-County Address

In some cases, the completed mail-in renewal will be returned to the district by the former inmate who has an out-of-county address. In these cases, the district will determine ongoing eligibility for the former inmate and, if eligible, the district will authorize coverage for the usual 12-month period. Once this coverage has been authorized, the district may transfer the case to the new district of residence in accordance with procedures outlined in 08 OHIP/LCM-1.

If the LDSS determines the individual is ineligible for Medicaid or FHP as a result of the renewal, the coverage shall be discontinued with appropriate notice.

Releasee Residing with Family Members

If the releasee is residing with family members, his/her ongoing eligibility shall be redetermined at renewal, after the five-month reinstatement period, as a member of the household. If the releasee is a member of a currently eligible Medicaid/FHP household, eligibility for the other household member(s) shall also be reviewed.

Please direct any questions to your Local District Liaison at 518-474-8887 Upstate and 212-417-4500 for NYC.