

Medical Assistance (MA) [Chapter 1500 Changes](#) >> [1502 Types of Changes](#) >> V Incarcerated

V Incarcerated

Policy

Definitions

Proof

Programs Affected

Timeframes

Programs and Legal Authorities

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Policy

In general, a customer becomes ineligible for Medical Assistance when he or she is an inmate of a public institution. AHCCCS cannot pay for services for any days the person is incarcerated. When a change is reported that a customer is incarcerated, eligibility may be stopped depending on where the person is an inmate.

Inmates in an AZ Department of Corrections (ADC) prison or in certain county jails may have their benefits suspended rather than stopped.

AHCCCS has Intergovernmental Agreements (IGA)'s with Cochise, Coconino, Maricopa, Pima, Pinal and Yuma Counties to suspend enrollment. AHCCCS also has an IGA with ADC to suspend benefits of inmates with less than 12 months left in their sentences. If the customer has longer than 12 months left to serve, benefits are stopped.

SEE [INCARCERATED CUSTOMERS](#) FOR MORE INFORMATION.

Definitions

Term	Definition
Inmate of a Penal Institution	<p>A person who is:</p> <ul style="list-style-type: none"> ● An inmate in a federal or state prison, or a county, city, or tribal jail; ● An inmate of a prison or jail, prior to arraignment, conviction, or sentencing;

	<ul style="list-style-type: none"> ● Incarcerated but can leave prison on work release or work furlough, and must return at specific intervals; ● Released from prison or jail due to a medical emergency, with no court probation order, who would otherwise be incarcerated except for the medical emergency; ● Ordered by the court to reside in the Arizona State Hospital; ● A child in a juvenile detention center prior to disposition (judgment), due to criminal activity; ● A child in a juvenile detention center prior to disposition, due to care, protection, or in the best interest of the child (ex., Child Protective Services), if there is no specific plan for the child that makes the stay at the detention center temporary; or a ● A child placed in a secure treatment facility if the facility is part of the criminal justice system.
Not an Inmate of a Penal Institution	<p>A person who is:</p> <ul style="list-style-type: none"> ● After arrest, but before booking, escorted by police to a hospital for medical treatment and held under guard; ● Released on probation, parole, or a release order with the condition of home arrest, work release, community service, or medical treatment; or ● Released from jail under a court probation order due to a medical emergency; ● Admitted as an inpatient to a medical institution (only eligible for the period of the inpatient stay); ● A child in a juvenile detention center for the care, protection, or in the best interest of the child, if there is a specific plan for that person that makes the stay at the detention center temporary; ● A child on intensive probation with the condition of home arrest, treatment in a psychiatric hospital, or a residential treatment center, or outpatient treatment; ● A child placed in a secure treatment facility contracted with the juvenile detention center if the facility is not a part of the criminal justice system; ● A child in a juvenile detention center after disposition when there is a plan to release the child to the community, and the release is only pending arrangements suitable to the child's needs.

Proof

Proof of incarceration includes:

- The customer's statement;
- Electronic records of incarceration from the Arizona Department of Corrections or a county jail;

NOTE If the customer's statement conflicts with other information or proof, the detention facility is contacted to confirm the person's status.

Programs Affected

This applies to all programs.

Timeframes

Changes must be reported as soon as the future event becomes known. Unanticipated changes must be reported within 10 days of the date the change occurred.

Programs and Legal Authorities

Program	Legal Authorities
All Programs (except KidsCare)	42 CFR 435.1009 and 1010 42 CFR 435.916(c), (d) and (f)
KidsCare	42 CFR 457.310 (c)(2)(i) 42 CFR 457.343 AAC R9-31-303(9)



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