

§ 50271. Institutional Status -General.

The status of being an inmate in public or private institutions shall be a factor in the determination of Medi-Cal eligibility as specified in Section 50273. The eligibility of inmates whose institutional status does not cause ineligibility under Section 50273 shall be contingent upon all other eligibility requirements being met.

§ 50273. Medi-Cal Ineligibility Due to Institutional Status.

(a) Individuals who are inmates of public institutions are not eligible for Medi-Cal: The following individuals are considered inmates of a public institution:

- (1) An individual in a prison, or a county, city, or tribal jail.
- (2) An individual in a prison or jail: Prior to arraignment, prior to conviction, or prior to sentencing.
- (3) An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.
- (4) Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency. Institutional status of such persons is not affected by transfer to a public or private medical facility.
- (5) A minor in a juvenile detention center prior to disposition (judgement) due to criminal activity of the minor.
- (6) A minor, after disposition, placed in a detention or correctional facility, including a youth ranch, forestry camp, or home which is part of the criminal justice system.
- (7) A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.
- (8) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.
- (9) Individuals between the ages of 21-65 who are in an institution for mental diseases shall be considered inmates of a public institution until they are unconditionally released.

(b) Ineligibility for individuals classified as inmates in (a) begins on the day institutional status commences and ends on the day institutional status ends.

(c) The following individuals are not considered inmates of a public institution and shall be eligible for Medi-Cal provided that all other requirements for eligibility set out in this chapter are satisfied:

- (1) An individual released from prison or jail on permanent release, bail, own recognizance (OR), probation, or parole with a condition of:

(A) Home arrest;

(B) Work release;

(C) Community service;

(D) Outpatient treatment;

(E) Inpatient treatment.

(2) An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.

(3) An individual in prison or jail who transfers temporarily to a halfway house or residential treatment facility prior to a formal probation release order.

(4) An individual released from prison or jail under a court probation order due to a medical emergency.

(5) A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This would include those juveniles awaiting placement but still physically present in juvenile hall.

(6) A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.

(7) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system.

(8) A minor placed on probation by a juvenile court on juvenile intensive probation with treatment as a condition of probation:

(A) In a psychiatric hospital;

(B) In a residential treatment center;

(C) As an outpatient.

(9) Individuals released from an institution for mental diseases or transferred from such an institution to a public or private medical facility.

(10) Individuals on conditional release or convalescent leave from an institution for mental diseases.

(11) Individuals under age 22 who are patients in an institution for mental diseases, were institutionalized prior to their 21st birthday, and continue to receive inpatient psychiatric care.

§ 50275. Voluntary Inmates.

§ 50279. Limitations of Institutional Status.