

7 AAC 100.068. Living in a public institution

(a) Except as provided in (b) and (c) of this section, an individual residing in a public institution, regardless of whether placement was voluntary or involuntary, is not eligible for Medicaid under any category while residing in the public institution, unless the individual is

(1) living in a public institution solely to receive educational or vocational training; or

(2) placed in a public institution on a short-term emergency basis pending placement in a living arrangement appropriate to the individual's needs.

(b) An individual who is a Medicaid recipient at the time that individual enters a penal institution and who continues to meet all other applicable Medicaid eligibility requirements, may retain eligibility but may not receive Medicaid-covered services while an inmate.

(c) Notwithstanding (a) of this section, if a substance abuse treatment facility or a correctional halfway house is on contract with the state to provide treatment or monitoring, an individual residing in that facility may receive Medicaid services if otherwise eligible for Medicaid under this chapter.

(d) In this section,

(1) "inmate" means an individual who is living in a penal institution or public institution that is not a medical or educational institution; "inmate" includes an individual who

(A) is on temporary furlough; or

(B) has temporarily left the penal or public institution facility for treatment in an acute care medical facility;

(C) repealed 1/1/2011;

(2) "penal institution" means a correctional or holding facility for individuals who are held as inmates;

(3) "public institution" means an institution, including a penal institution, that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control; "public institution" does not include a medical institution.

History: Eff. 7/20/2007, Register 183; am 1/1/2011, Register 196

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