

~~8.200.410.15 INMATE IN A PUBLIC INSTITUTION:~~

~~A. An applicant or a recipient who is an inmate of a public institution is not medicaid or medical assistance program eligible. A public institution is an institution which is the responsibility of a governmental unit of which a governmental unit exercises administrative control.~~

~~B. Public institutions include jails, prisons, detention centers, diagnostic holding centers, the New Mexico boys and girls schools, "wilderness camps", or halfway houses and reintegration centers which are not certified to furnish medical care.~~

~~C. An individual is not considered to be an inmate of an institution if he or she is placed in a detention center for a temporary period pending other arrangements appropriate to his or her needs. For purposes of medicaid eligibility, an individual who is placed in a detention center is considered temporarily absent from the home, up to the 60th day or once adjudicated, whichever first occurs.]~~

8.200.410.15 INMATE IN A PUBLIC INSTITUTION:

A. MAD defines for purposes of this rule a public institution as a:

- (1) state and private correctional facility;
- (2) county and privately operated jail;
- (2) DOH behavioral health facility forensic unit;
- (3) detention facility operated under the authority of CYFD; and
- (4) facility that is operated under the authority of CYFD that provides for the care and

rehabilitation of an inmate who is under eighteen years of age and who has committed an act that would be designated as a crime under the law if committed by an convicted inmate eighteen years of age or older.

B. MAD defines an inmate as a person incarcerated in a public institution listed in this section Subsection A of this rule.

C. Incarceration in a public institution is not a basis for denying or terminating a MAP category of eligibility for an inmate.

D. If an inmate has an established MAP category of eligibility either prior to or during his or her incarceration, the eligible recipient may retain his or her MAP category of eligibility as long as all other eligibility requirements are met.

E. If an inmate applicant does not have an established MAP category of eligibility during his or her incarceration, he or she may submit a MAP application.

F. An applicant or a recipient is not considered to be an inmate of an incarceration facility if he or she is placed in a detention center for a temporary period pending other arrangements appropriate to his or her needs. For purposes of determining a MAP category of eligibility, placement in a detention center is considered a temporary absence from his or her home, up to the 30th calendar day or once he or she is adjudicated, whichever occurs first.

[8.200.410.15 NMAC - Rp, 8.200.410.15 NMAC, 1-1-14; A, xx-xx-15]