

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

400.106b Suspension of medical assistance; conditions; inmate residing in public institution; redetermination of eligibility; reinstatement; limitation; applicability; definitions.

Sec. 106b. (1) The state medicaid plan shall require the department of community health to suspend rather than terminate an individual's medical assistance when either of the following applies:

(a) The individual becomes an inmate residing in a public institution but otherwise remains eligible for medical assistance.

(b) An inmate was not eligible for medical assistance when he or she entered the public institution but is subsequently determined to be eligible for medical assistance while in the public institution.

(2) The department of community health shall redetermine the medical assistance eligibility of the individual.

(3) Upon notification that an individual described in subsection (1) is no longer an inmate residing in a public institution, the department of community health shall reinstate the individual's medical assistance if the individual is otherwise eligible for medical assistance.

(4) This section does not extend medical assistance eligibility to an otherwise ineligible individual or extend medical assistance to an individual if matching federal funds are not available to pay for the medical assistance.

(5) This section applies to the department of community health, a state agency to which the department of community health has delegated these functions as provided under section 105c, or a private or nonprofit entity with which the department of community health has contracted to perform these functions as provided under section 105c.

(6) As used in this section:

(a) "Public institution" means 1 of the following:

(i) An inpatient program operated by the department of community health for treatment of individuals with serious emotional disturbance or serious mental illness.

(ii) A local correctional facility as that term is defined in section 2 of the local corrections officers training act, 2003 PA 125, MCL 791.532.

(iii) A correctional facility as that term is defined in section 15 of the corrections code of 1953, 1953 PA 232, MCL 791.215.

(iv) A youth correctional facility operated by the department of corrections or a private vendor under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g.

(b) "Serious emotional disturbance" and "serious mental illness" mean those terms as defined in section 100d of the mental health code, 1974 PA 258, MCL 330.1100d.

History: Add. 2014, Act 452, Imd. Eff. Jan. 2, 2015.

Popular name: Act 280