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IMCU PPL 16-001

**DATE:** 12/21/2016

**TO:** COUNTY REPRESENTATIVES

**FROM:** BETTY LAI, CHIEF  
MEDI-CAL CLAIMS AND SERVICES BRANCH  
SAFETY NET FINANCING DIVISION  
DEPARTMENT OF HEALTH CARE SERVICES, SNFD

**SUBJECT:** MEDI-CAL COUNTY INMATE PROGRAM – COUNTY PARTICIPATION  
GUIDANCE LETTER

The purpose of this letter is to describe what constitutes the voluntary Medi-Cal County Inmate Program (MCIP) and what documents will be used to implement MCIP, including the steps each county will need to take in order to participate.

### Background

Federal law prohibits claiming Medicaid funds for health care services provided to inmates residing in correctional facilities. This federal prohibition does not apply when an inmate receives inpatient services at a medical facility located off the grounds of the correctional facility for an expected stay of more than 24 hours and the inmate is found to be Medicaid eligible. Historically, counties absorb 100 percent of the health care costs associated with county inmates. Counties shall remain responsible for arranging medical care for their inmates, including, as described under the Medi-Cal County Inmate Program Agreement, the non-federal share of any MCIP eligible services.

### Programs in MCIP

Medi-Cal providers in counties that have executed a MCIP Agreement may submit claims for the following programs:<sup>1</sup>

- Adult County Inmate Program (ACIP), authorized by Welfare and Institutions Code section 14053.7, provides Medi-Cal coverage to eligible adult county inmates.

<sup>1</sup> For purposes of this Letter, "inmate" shall refer to an individual who is eligible to receive MCIP services under ACIP, JCWP, CCRP, or CMPP.

- Juvenile County Ward Program (JCWP), authorized by Welfare and Institutions Code section 14053.8, provides Medi-Cal coverage to eligible county juvenile inmates (i.e. county wards).
- County Compassionate Release Program (CCRP) and County Medical Probation Program (CMPP), authorized by Government Code sections 26605.6, 26605.7, and 26605.8, permits county sheriffs to grant medical release or medical probation in lieu of jail time, if certain conditions are met.

### **MCIP Services**

“MCIP services” constitute all of the following, only to the extent federal financial participation is available:

- a) ACIP, Medi-Cal allowable inpatient hospital services, including inpatient psychiatric services, and physician services provided during the inpatient hospital service stay of adult inmates in county correctional facilities who are determined eligible for Medi-Cal pursuant to Welfare and Institutions Code section 14053.7;
- b) Compassionate Release Program pursuant to Government Code section 26605.6 and Medical Probation Program pursuant to Government Code section 26605.7, full-scope Medi-Cal services; and,
- c) JCWP, Medi-Cal allowable inpatient hospital services, including inpatient psychiatric services and physician services, of juvenile inmates in county correctional facilities who are determined eligible for Medi-Cal services pursuant to Welfare and Institutions Code section 14053.8.

### **Medi-Cal Provider**

“Medi-Cal provider” means, any individual, partnership, group association, corporation, institution, or entity and the officer, directors, owners, managing employees or agents of any partnership, group association, corporation, institution, or entity that provides services, goods, supplies, or merchandise, directly or indirectly, to a Medi-Cal beneficiary, and that has been enrolled in the Medi-Cal program.

For purposes of MCIP, a Medi-Cal provider may claim for MCIP services rendered to the MCIP-eligible inmate depending on the MCIP component program. For example, a clinic cannot seek reimbursement from DHCS for outpatient services provided to an ACIP inmate because the outpatient services provided are not allowable as MCIP services for ACIP. A Medi-Cal provider does not go through a separate Medi-Cal enrollment or certification process to participate in MCIP.

## **Nonfederal Share Policy and Procedure Letter**

DHCS will issue Policy and Procedure Letter (PPL) 16-002 to explain how counties will reimburse DHCS for the nonfederal share of MCIP services and MCIP administrative services incurred by DHCS pursuant to the claiming process for MCIP providers that are not designated public hospitals (DPHs).<sup>2</sup>

## **Retroactive Expenditure Reimbursement PPL**

Due to delays in program implementation, counties participating in MCIP have the option of seeking retroactive expenditure reimbursement, to the extent FFP is available for expenditures for eligible claims. There will be a policy and procedure letter that will be published by DHCS in the near future, which shall provide details and establish the requirements for participating counties to receive retroactive expenditure reimbursement.

## **MCIP Provider Bulletin**

DHCS will publish a Medi-Cal provider bulletin to let providers know about the MCIP and how they may directly bill DHCS for MCIP services provided to MCIP-eligible inmates from counties participating in MCIP.

## **MCIP Agreement**

The MCIP Agreement is an agreement between DHCS and the county implementing MCIP in the county. The MCIP Agreement includes participation provisions for all MCIP, incoming funds agreement provisions for MCIP service expenditures incurred by DHCS, and incoming funds agreement provisions for MCIP administrative service expenditures incurred by DHCS. A county must sign the MCIP Agreement in order to participate in MCIP even if the county is a MCIP provider that submits their claims via a certified public expenditure process under Code of Federal Regulations, title 42, section 433.51.

## **MCIP Participation Notification**

Counties interested in participating should take the following steps:

- Notify DHCS of interest in participating in MCIP via email at [DHCSIMCU@dhcs.ca.gov](mailto:DHCSIMCU@dhcs.ca.gov) and provide the following information:
  - County name
  - Primary contact/secondary contact
  - Phone number
  - Mailing address
  - Email

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<sup>2</sup> Designated public hospital is defined in Welfare and Institutions Code section 14166.1(d).

- Enter into an MCIP Agreement with DHCS. This Agreement will establish each county's responsibility to reimburse DHCS for the nonfederal share of MCIP expenditures and the nonfederal share of DHCS administrative costs associated with overseeing the program.
- Reference Addendum A: MCIP Administrative Costs (addendum to the Medi-Cal County Inmate Program Agreement) for details regarding deadlines for applying to MCIP participation for the year and how county administrative costs will be determined.

### **Medi-Cal Beneficiary Eligibility Letters**

Previous published letters on Medi-Cal eligibility for inmates remain in force, including ACWDL 11-27, ACWDL 13-18, ACWDL 14-26, ACWDL 14-26E and others can be found at the following website: <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/ACWDLbyyear.aspx>.

If you need additional information, or have any questions, please submit questions via email at [DHCSIMCU@dhcs.ca.gov](mailto:DHCSIMCU@dhcs.ca.gov).

For eligibility related questions regarding ACIP, JCWP, CCRP, or CMPP, including the use of inmate aid codes, please contact the Medi-Cal Eligibility Division at [MCIEP@dhcs.ca.gov](mailto:MCIEP@dhcs.ca.gov).

For Medi-Cal Specialty Mental Health related questions regarding ACIP, JCWP, CCRP, or CMPP, please contact the County Claims Customer Service Section at [MedCCC@dhcs.ca.gov](mailto:MedCCC@dhcs.ca.gov).