**Section 120.318 Institutional Status**

a) Individuals residing in public institutions (see 42 CFR 435.1009) are ineligible for medical assistance, except as provided in subsections (b) and (c) of this Section.

b) For individuals confined or detained in any local or State penal or correctional institution who are otherwise eligible for, and enrolled in, medical assistance authorized under Article V of the Illinois Public Aid Code[305 ILCS 5], benefits shall be limited to those services reimbursed by the Department as described in 89 Ill. Adm. Code 140.10. The limitation shall be lifted upon timely notice to the Department that the individual has been released. The notice must confirm that the individual is residing in Illinois and shall include an address through which the individual may be contacted. This change shall take effect upon adoption of this amended rule for persons who are eligible for medical assistance because they have attained the age of 65, are blind or have a disability. For all other individuals, this change shall take effect no later than January 1, 2012.

c) Nothing in subsection (b) shall affect the eligibility of pregnant women whose medical care during pregnancy is eligible for federal reimbursement of the cost of care provided to an unborn child.

d) Individuals who are confined or detained by a federal law enforcement agency are ineligible for medical assistance.

e) A resident of a private institution who has a contract with the institution providing total needs throughout life is ineligible, as no needs remain to be met.

f) Residents of private institutions (other than those who have purchased life care contracts) are ineligible for public assistance when they have purchased care and maintenance to provide for all their needs in the institution and the amount paid has not been wholly consumed for care.

g) Individuals, living in a public or a private facility that has official policies and administrative procedures that are not in conformance or are in conflict with the Illinois Public Aid Code provision or Department rules governing eligibility for medical assistance, are ineligible for medical assistance.

(Source: Amended at 35 Ill. Reg. 379, effective December 27, 2010)