

Incarcerated individuals and Substance Use Disorder (SUD) services process for jails, counties, tribes and SUD service providers

Jails and counties are responsible to establish a process to enable eligible incarcerated individuals to obtain SUD services while in custody because Medicaid does not cover SUD treatment services to individuals who are incarcerated.

The process must:

- provide access to in-person or telehealth-provided SUD services, including comprehensive assessment,
- include service providers and other applicable county agencies,
- communicate essential information to county workers to update MMIS regarding Medicaid eligibility,
- ensure that service providers can bill and be paid for services allowed by the Behavioral Health Fund (BHF). Both the services and the individual must be eligible.

Tribes are also encouraged to develop a process that works for their members.

DHS recognizes that in the absence of a statewide policy, there are basic responsibilities for jails, counties and SUD providers.

Responsibilities for jail administration

The following are responsibilities for jail administration:

- Respond to requests by the incarcerated person and provide SUD services or resources for the requester to choose ([Get help for alcohol and drug use problems](#) webpage).
- Identify and train staff to complete the [Behavioral Health Fund Request Form \(DHS 2780A-ENG\) \(PDF\)](#) with the requester and submit it to the identified county or tribal staff. This includes recording the date of incarceration. County staff need the information for MMIS updates and Behavioral Health Funding.
- Identify and communicate the BHF request form to county or tribal staff responsible
 - to update living arrangement information in MMIS, and
 - to enter major program OO spans in MMIS for BHF-eligible individuals
- Identify and train staff to inform the county or tribal staff when the requester is released from jail.

Steps for SUD providers

An SUD services provider who receives notification or is aware that an incarcerated individual is requesting SUD services should immediately follow these steps:

1. Verify the member's eligibility for Medical Assistance (MA), Behavioral Health Fund (OO), or both. Minnesota Health Care Programs (MHCP) requires providers to verify eligibility before they render services and submit claims. The MN–ITS Direct Data Entry Eligibility feature allows providers to submit member eligibility verification requests.
 - a. If the individual is incarcerated and has major program OO (BHF), no additional financial eligibility determination is required.
 - b. If the individual is currently enrolled only in Medical Assistance (MA), follow step number 2 to get financial eligibility determination done for member for major program OO.
 - c. If the member is under a state-contracted Managed Care Organization (MCO), they have automatic entitlement for the Behavioral Health Fund (BHF). No additional financial eligibility determination is required. The county must respond within 10 calendar days and enter a BHF "OO span."
2. Complete the [Behavioral Health Fund Request Form \(DHS 2780A-ENG\) \(PDF\)](#) and send it to the county or tribe of financial responsibility (usually the last county the member lived outside of an excluded facility or a county that has open child protection or social service case, not including probation).
 - a. According to Minnesota Statutes 254B.04, subdivision 6, "... Client eligibility must be determined using forms prescribed by the department..."
 - b. Review directions on the [Behavioral Health Fund Request Form \(DHS 2780A-ENG\) \(PDF\)](#) to ensure efficient processing of eligibility determination.The county or tribe will determine BHF financial eligibility and respond to SUD providers.
3. If the substance use disorder provider knows the incarcerated individual's release date, the provider should notify the county or tribe to update living arrangement.

Steps for county or tribe SUD workers

- For MA fee-for-service (FFS) or managed care organization (MCO) enrolled individuals:
 - Enter the major program OO span on the RELG screen in MMIS with overlapping dates in the MMIS recipient's file. A warning message will post indicating the individual is already enrolled with MA. Bypass the edit and enter the major program OO span for incarcerated enrollees.
 - Follow the county or tribe specific process and change the living arrangement span in MMIS of 68 or 69 to accurately reflect which type of facility the individual resides. Depending on the individual county or tribe process, the authorized staff might include an SUD worker, financial worker or someone else. For MCO enrollees, workers must submit a DHS Managed Care HPEN Request through SIR.
 - If the recipient is currently enrolled in Medical Assistance (MA) or enrolled in a Medicaid program under a state-contracted Managed Care Organization (MCO), they have automatic entitlement for the Behavioral Health Fund (BHF).

- For individuals with no MA eligibility or coverage:
 - Responsible county or tribe staff must respond to determine BHF financial eligibility.
 - Enter the major program OO span in MMIS for individuals who are BHF eligible.
 - Follow the steps and the process defined by the county or tribe.

Additional notes:

- The major program OO eligibility span must include the dates of SUD service while the individual is incarcerated. Each county or tribe is strongly advised to have a process that ensures staff are made aware when a client enters and exits incarceration. This is necessary to ensure proper billing and claims payment for the services provided.
- After the major program OO is correctly entered into MMIS for the individual, the financial worker must follow the directions in ONEsource to change the living arrangement for MA members or submit a HPEN ticket on SIR to update living arrangement and add a JJ exclusion code to the MMIS recipient's file for managed care enrollees. The completion of the major program OO entry and living arrangement change allows the provider to bill and get paid out of behavioral health funds (BHF).

Steps for county financial workers or designated staff

Complete these steps:

- Review other programs the individual is utilizing and make appropriate changes, if needed. Refer to the [Incarceration](#) webpage in ONEsource for all procedures and information about incarceration applications and incarceration changes in circumstance, including a procedure to [Update MMIS for Incarcerated MA Enrollees](#).
- Submit HPEN tickets to DHS for MA enrollees enrolled in managed care at any point during their incarceration period. The major program MA needs to remain open. The Managed Care Enrollment staff will do the following when the HPEN ticket is submitted:
 1. Update the living arrangement code, begin date, and end date on RLVA in MMIS. Provide the initial date of incarceration and the release date, if known. If the release date is unknown, enter 12/15/40 in the ticket. Entering a correctional facility code on RLVA prohibits any billing for MA unless the individual goes to the hospital.
 2. Update the managed care enrollment and exclusion information on the RPPH screen in MMIS. The RPPH screen needs to be updated with a JJ exclusion to prevent MA enrollees from being enrolled in managed care. Capitation payments may be recouped if managed care was already paid for MA enrollees while they were incarcerated. Only DHS Managed Care staff can add or end the JJ exclusion.