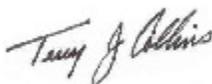


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>6</u> .
Reinstatement of Medicaid for Public Institution Recipients	NUMBER: 07-ORD-14
RULE/CODE REFERENCE: ORC 5111.0119	SUPERSEDES: New
RELATED ACA STANDARDS:	EFFECTIVE DATE: November 10, 2009
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish procedural and legal guidelines to accomplish the goals of the Reinstatement of Medicaid for Public Institution Recipients Project (“RoMPIR”) as it applies to inmates under the jurisdiction of the Ohio Department of Rehabilitation and Correction.

III. APPLICABILITY

This policy shall be applicable to all persons employed by or under contract with the Ohio Department of Rehabilitation and Correction with access to the RoMPIR Portal and information generated by the RoMPIR Portal and all offenders incarcerated in institutions operated by the Department.

IV. DEFINITIONS

Business Associate – A person or entity that, on behalf of a Covered Entity, performs or assists in the performance of a function or activity that involves the use or disclosure of Protected Health Information. For purposes of the RoMPIR Project, the Ohio Department of Rehabilitation and Correction (DRC) will be considered a Business Associate.

Covered Entity - A health plan, a health care clearinghouse, or health care provider that may disclose information to a Business Associate to receive assistance in a function or activity involving Protected Health Information. The Ohio Department of Jobs and Family Services (ODJFS) is a Covered Entity as defined by federal law.

Health Insurance and Portability and Accountability Act of 1996 (“HIPAA”) – The federal law that governs the protection, use, and disclosure of Protected Health Information.

Protected Health Information (“PHI”) - Individually identifiable information relating to the past, present, or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual. For purposes of the RoMPIR Project, an inmate’s eligibility for Medicaid coverage is considered PHI.

RoMPIR Business Associate Agreement – An agreement entered into between DRC and ODJFS to accomplish the reinstatement of Medicaid benefits for incarcerated persons upon their release or inpatient hospitalization.

RoMPIR Portal – A web based portal maintained by ODJFS that will provide authorized DRC staff information regarding an inmate’s eligibility for Medicaid coverage, allow an eligible inmate’s Medicaid coverage to be suspended during incarceration, and allow an eligible inmate’s Medicaid coverage to be reinstated upon release or inpatient hospitalization.

RoMPIR Tracking Database – A secure database maintained by DRC to provide authorized DRC staff the ability to track those inmates who require reinstatement of Medicaid upon release or inpatient hospitalization. Additionally, authorized staff will have access to the database to make and record disclosures of PHI that are permitted by HIPAA and the RoMPIR Business Associate Agreement.

V. POLICY

It shall be the policy of the Ohio Department of Rehabilitation and Correction to provide procedural and legal guidelines to accomplish the goals of the Reinstatement of Medicaid for Public Institution Recipients Project (“RoMPIR”) as it applies to inmates under the jurisdiction of the Ohio Department of Rehabilitation and Correction.

VI. PROCEDURES

A. **Access to the RoMPIR Portal and RoMPIR Tracking Database to Suspend and Reinstatement Medicaid Benefits**

1. The Director of DRC shall designate a RoMPIR Business Associate Agreement Manager. The manager shall ensure compliance with the terms of the RoMPIR Business Associate Agreement, approve and monitor access to the RoMPIR Portal and RoMPIR Tracking Database, and be the primary contact for interactions with ODJFS regarding the RoMPIR Project.
2. It shall be the responsibility of the RoMPIR Business Associate Agreement Manager to grant and revoke access to the RoMPIR Portal and RoMPIR Tracking Database. The manager shall not grant access to a DRC staff member until the staff member has completed required training on the use of the systems, confidentiality of PHI, the consequences of misuse of the systems, and the consequences of improper disclosure of PHI obtained from the systems.
3. Authorized users shall submit a System Access Form (DRC3424) to request access to the RoMPIR Portal and the RoMPIR Tracking Database. The RoMPIR Business Associate Agreement Manager shall be responsible for approving the request and for maintaining a record of individuals who have been granted access by authorized passwords. These

records shall be made available to the RoMPIR Business Associate Manager at ODJFS upon request.

4. Authorized staff shall only be permitted access for the purposes described in this directive. No other employee shall be authorized or permitted to have access to the information derived from the RoMPIR Portal and the RoMPIR tracking database. Misuse of the systems and the PHI derived from the systems may result in discipline up to and including removal and/or criminal penalties under federal and state law.

B. Security and Confidentiality of Information

1. Administrative, physical, and technical safeguards shall be designed and implemented to protect the confidentiality of the PHI generated by the RoMPIR Portal and stored by the RoMPIR Tracking Database. Under the RoMPIR Business Associate Agreement, ODJFS shall be responsible for maintaining the RoMPIR Portal. DRC shall be responsible for maintaining the RoMPIR Tracking Database.
2. The RoMPIR Portal and the RoMPIR Tracking Database shall be password protected, and authorized staff shall safeguard their access password to prevent unauthorized use of the systems.
3. The PHI generated and stored by the systems shall not be disclosed to any third party except by authorized staff as described in Section VI(E) below.
4. Information of unauthorized use of the systems or unauthorized disclosure of PHI shall be immediately reported to the RoMPIR Business Associate Agreement Manager and the Division of Legal Services. The RoMPIR Business Associate Agreement Manager or the Division of Legal Services shall notify ODJFS of the breach of confidentiality and shall take immediate steps to mitigate any adverse effects of the breach.
5. The RoMPIR Business Associate Agreement Manager shall keep an electronic log of all permitted third party disclosures of PHI as defined in Section VI(E) below through the RoMPIR Tracking Database. The electronic log shall be made available for inspection by ODJFS and/or the Secretary of the United States Department of Health and Human Services upon request.

C. Required Training Components

1. Prior to using the RoMPIR Portal and RoMPIR Tracking Database, authorized staff shall be trained on the use of the RoMPIR Portal and RoMPIR Tracking Database by the RoMPIR Business Associate Agreement Manager or designee.
2. Prior to using the RoMPIR Portal and RoMPIR Tracking Database, authorized staff shall be trained by the Division of Legal Services regarding the confidentiality of PHI, the safeguards required to protect PHI, the limited circumstances in which PHI can be disclosed, and the consequences of wrongful disclosure.

3. The RoMPIR Business Associate Agreement Manager shall provide ODJFS the time and place of training and shall maintain records of all trainings which shall be available to ODJFS upon request.

D. Use of the RoMPIR Portal and RoMPIR Tracking Database to Suspend and Reinstate Medicaid Benefits

1. Suspending Benefits upon Incarceration
 - a. Within 72 hours of an inmate's incarceration, his/her information shall be entered into the RoMPIR Portal by authorized staff. At the time of input, the RoMPIR Portal will provide information as to the inmate's eligibility for Medicaid benefits.
 - b. If the inmate's information does not match a record on the RoMPIR Portal for Medicaid eligibility, no further action shall be taken.
 - c. If the inmate's information does match a record on the RoMPIR Portal for Medicaid eligibility, authorized staff shall submit the inmate's information in the RoMPIR Portal for suspension of Medicaid benefits. Once the inmate's information is submitted into the RoMPIR Portal for suspension, no further action is required on the RoMPIR Portal.
 - d. Once an inmate's Medicaid eligibility is suspended through the RoMPIR Portal, the authorized staff member shall record the required information into the RoMPIR Tracking Database.
 - e. No other use, record, or disclosure of the inmate's eligibility for Medicaid shall be made by the authorized staff member with the primary responsibility in this process of suspending an inmate's Medicaid eligibility in the RoMPIR Portal and recording information into the RoMPIR Tracking Database.
2. Reinstating Benefits Upon Release
 - a. Medicaid benefits shall be reinstated for inmates who have been incarcerated less than one year using the below process.
 - b. An authorized staff member with the primary responsibility in this process of reinstating an inmate's Medicaid eligibility in the RoMPIR Portal shall run a daily report from the RoMPIR Tracking Database. The report shall provide the authorized staff member with the names of released inmates who previously had their Medicaid benefits suspended due to incarceration and who have been incarcerated less than one year.
 - c. If the inmate's information does match a record in the report generated by the RoMPIR Tracking Database, the authorized staff member shall input the required information into the RoMPIR Portal to reinstate the inmate's Medicaid eligibility. Once the inmate's information is submitted into the RoMPIR Portal for reinstatement, no further action is required on the RoMPIR Portal.

- d. Once an inmate's Medicaid eligibility is reinstated through the RoMPIR Portal, the authorized staff member shall indicate in the RoMPIR Tracking Database that the inmate's eligibility was reinstated in the RoMPIR Portal.
 - e. No other use, record, or disclosure of the inmate's eligibility for Medicaid shall be made by the authorized staff member with the primary responsibility in this process of reinstating an inmate's Medicaid eligibility in the RoMPIR Portal.
3. Reinstating Benefits upon Inpatient Hospitalization
- a. Inmates in the hospital in an inpatient status may be eligible for Medicaid benefits during their inpatient hospitalization.
 - b. Inpatient hospitalization will be monitored by the Bureau of Medical Services to determine if reinstatement of Medicaid eligibility is applicable.
 - c. If reinstatement is applicable for a specific inpatient stay, the process in Section VI (D)(2)(c) and (d) above will be followed and the medical institution will be notified by the Bureau of Medical Services to bill Medicaid for the inpatient stay.
 - d. Upon discharge from the hospital benefits will once again be suspended using the process outlined in Section VI(D)(1)(c) and (d) above.

E. Use of the RoMPIR Tracking Database to Make Permitted Disclosures of Medicaid Eligibility Information

1. Authorized staff shall have access to the RoMPIR Tracking Database to make disclosures of PHI as permitted by the RoMPIR Business Associate Agreement, HIPAA, and Ohio Law.
2. Disclosures of Medicaid eligibility PHI shall be permitted in the following circumstances for the proper management and administration of DRC or to carry out the legal responsibilities of DRC:
 - a. In response to a court order directed to DRC for the purpose of obtaining Medicaid eligibility information in judicial release proceedings premised on the medical condition of an inmate and the need for continued treatment.
 - b. In response to requests from community health agencies for purposes of coordinating continuity of care with reentry initiatives for inmates nearing a release date.
 - c. To request that medical providers submit medical service charges for Medicaid eligible inmates to Medicaid in situations in which an eligible inmate was hospitalized in excess of 24 hours.
 - d. In other circumstances with prior approval from the Division of Legal Services and ODJFS.

3. All disclosures shall be recorded electronically in the RoMPIR Tracking Database. The record of disclosures shall be made available to ODJFS upon request. The electronic record, specific to the Medicaid eligible inmate, shall include:
 - a. The individual making the disclosure.
 - b. The person or entity receiving the disclosure.
 - c. The date of the disclosure.
 - d. The category of disclosure as defined in VI(E)(2) above.