

DEPARTMENT OF HEALTH SERVICES

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February 17, 1993

Letter No. 93-10

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

SUBJECT: HOME DETENTION/HOUSE ARREST

REFERENCES: Article 6, MEM Manual

The purpose of this letter is to make a clarification of Medi-Cal eligibility for persons in home detention programs.

"Are persons on home detention programs eligible to Medi-Cal or are they considered incarcerated? These are persons who instead of spending their sentence in jail elect to spend that same time in home detention. They wear a control device that allows probation to know whether or not they leave their home during unspecified times during the sentence."

Under Penal Code, Section 1203.016(a), the imposition of home detention is considered to be in lieu of confinement in a county jail or other correctional facility. Persons subject to the home detention program continue to be "detained under the penal system," although the detention is at home. As such, the home detention program is not a form of "probation". As defined at Penal Code section 1203(a), probation means that the imposition of a sentence is actually suspended, and that the person is returned to the community, subject to any conditions imposed by the court, under the supervision of a probation officer.

Title 22, California Code of Regulations, section 50273, provides that inmates who are detained under the penal system, and who are not released on probation or parole, are not eligible for Medi-Cal benefits. Under California Penal Code section 4011, a county is required to pay for any necessary medical services for, or hospital care of, indigent prisoners. Since inmates participating in the home detention program are still "detained under the penal system" and are not released on probation or parole, they are ineligible for Medi-Cal benefits.

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If you have any questions, please contact Elena Lara at (916) 657-0712.

Sincerely,

ORIGINAL SIGNED BY

FRANK S. MARTUCCI, CHIEF
Medi-Cal Eligibility Branch