**Section 112.309 Institutional Status**

a) Individuals residing in non-medical, public institutions or receiving non-medical care in a medical public institution, other than an individual receiving shelter care in a county owned and operated institution are ineligible for assistance. These individuals shall be eligible for assistance while temporarily discharged for the purpose of obtaining necessary medical care provided all eligibility requirements are met.

b) Individuals confined in or under the jurisdiction of any local, state, or federal penal or correctional institution or law enforcement authority are ineligible for assistance.

c) Residents of a private psychiatric hospital or a public tuberculosis hospital certified for participation in the Medicare Program who are 65 years of age or older may be eligible for assistance. Those individuals residing in a private psychiatric hospital or a public tuberculosis hospital not certified to participate in the Medicare Program are not eligible for public assistance.

d) Individuals under age 21 residing in a private psychiatric hospital having JCAH accreditation may also be eligible for public assistance.

e) A resident of a private institution who has a contract with the institution providing for his total needs throughout his 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 which has official policies and administrative procedures which are not in conformance or are in conflict with the Public Aid Code provision or Department rules governing eligibility for public assistance, are ineligible for public assistance.

(Source: Added (by codification with no substantive change) at 7 Ill. Reg. 5197)