**Section 113.70 Institutional Status**

a) Individuals residing in public institutions (see 42 CFR 435.1009) are ineligible for financial and medical assistance.

b) Individuals between the ages of 22-64 who are patients in an institution for Mental Diseases (see 42 CFR 435.1009) are ineligible for financial and medical assistance. These individuals continue to be ineligible for financial and medical assistance while temporarily discharged for the purpose of obtaining medical care. Individuals who are temporarily discharged remain patients of the institution as long as they are not given a complete or absolute discharge while they receive medical care. An individual on conditional release or convalescent leave from an Institution for Mental Diseases is not considered to be a patient in that institution. A conditional release or convalescent leave is one that provides treatment for the illness or condition for which the individual was institutionalized rather than for a medical condition.

c) Individuals residing in public, educational or vocational training institutions may be eligible for MANG (AABD) only.

d) 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.

e) Residents of a private psychiatric 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 not certified to participate in the Medicare Program are not eligible for public assistance.

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

g) 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.

h) 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.

i) 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: Amended at 12 Ill. Reg. 8662, effective May 13, 1988)