H-0478.1

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**HOUSE BILL 1348**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley, and Harris

AN ACT Relating to the provision of medical assistance to incarcerated persons; amending RCW 74.09.670; creating a new section; and providing a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) Having access to same day and next day physical and behavioral health services is imperative to facilitate successful reentry for individuals releasing from jails;

(b) The overwhelming majority of individuals in jails are incarcerated for less than 30 days;

(c) Suspending medicaid for individuals on short-term jail stays causes significant delays in medicaid reinstatement upon release; and

(d) Delays in medicaid reinstatement impede access to physical and behavioral health appointments and prescription medications upon release.

(2) The legislature intends to facilitate successful jail reentry by not suspending medicaid for individuals who are incarcerated for less than 30 days.

**Sec.**  RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

The authority ((~~is directed to~~)) must suspend, rather than terminate, medical assistance benefits ((~~by July 1, 2017,~~)) for persons who are incarcerated in a correctional institution, as defined in RCW 9.94.049, for 30 days or more and for persons committed to a state hospital. ((~~This must include the ability for a person~~)) A person's incarceration status may not affect the person's enrollment in medical assistance prior to 30 days of incarceration in a correctional institution. After 30 days in a correctional institution, an incarcerated person must be allowed to apply for medical assistance in suspense status during incarceration((~~,~~)) and the ability to apply may not depend upon knowledge of the release date of the person. ((~~The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.~~))

NEW SECTION. **Sec.**  (1) The health care authority is authorized to seek any necessary state plan amendments or waivers from the federal department of health and human services that are necessary to implement section 2 of this act.

(2) This act takes effect upon the director of the health care authority receiving notice that the federal department of health and human services has approved all necessary state plan amendments or waivers to implement section 2 of this act.

(3) Upon receiving approval from the federal department of health and human services as described in subsection (2) of this section, the director of the health care authority shall provide written notice of receiving approval to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the director.

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