

SHB 1348 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/10/2021

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

19 ~~((The))~~ (1) Except as provided in subsection (2) of this section,
20 when the authority ((is directed to)) receives information that a
21 person enrolled in medical assistance is confined in a setting in
22 which federal financial participation is disallowed by the state's
23 agreements with the federal government, the authority shall suspend,
24 rather than terminate, medical assistance benefits ((by July 1,
25 2017,)) for these persons, including those who are incarcerated in a
26 correctional institution as defined in RCW 9.94.049, or committed to
27 a state hospital or other treatment facility. ((This must include the
28 ability for a)) A person who is not currently enrolled in medical
29 assistance must be allowed to apply for medical assistance in
30 suspense status during ((incarceration)) confinement, and the ability
31 to apply may not depend upon knowledge of the release or discharge

1 date of the person. (~~The authority must provide a progress report~~
2 ~~describing program design and a detailed fiscal estimate to the~~
3 ~~governor and relevant committees of the legislature by December 1,~~
4 ~~2016.~~)

5 (2) (a) During the first 29 days of a person's incarceration in a
6 correctional institution, as defined in RCW 9.94.049:

7 (i) A person's incarceration status may not affect the person's
8 enrollment in medical assistance if the person was enrolled in
9 medical assistance at the time of incarceration; and

10 (ii) A person not enrolled in medical assistance at the time of
11 incarceration must have the ability to apply for medical assistance
12 during incarceration, which may not depend on knowledge of the
13 release date of the person. If the person is enrolled in medical
14 assistance during the first 29 days of the person's incarceration,
15 the person's incarceration status may not affect the person's
16 enrollment in medical assistance.

17 (b) After the first 29 days of the person's incarceration, the
18 person's medical assistance status is subject to suspension or
19 application in suspense status under subsection (1) of this section.

20 NEW SECTION. Sec. 3. A new section is added to chapter 70.48
21 RCW to read as follows:

22 A department of corrections or chief law enforcement officer
23 responsible for the operation of a jail shall make reasonable efforts
24 to collaborate with managed care organizations, as defined in RCW
25 71.24.025, for the purposes of care coordination activities and
26 improving health care delivery and release planning for persons
27 confined in the jail.

28 NEW SECTION. Sec. 4. The health care authority is authorized to
29 seek any necessary state plan amendments or waivers from the federal
30 department of health and human services that are necessary to
31 implement section 2 of this act.

32 NEW SECTION. Sec. 5. If any part of this act is found to be in
33 conflict with federal requirements that are a prescribed condition to
34 the allocation of federal funds to the state, the conflicting part of
35 this act is inoperative solely to the extent of the conflict and with
36 respect to the agencies directly affected, and this finding does not
37 affect the operation of the remainder of this act in its application

1 to the agencies concerned. Rules adopted under this act must meet
2 federal requirements that are a necessary condition to the receipt of
3 federal funds by the state."

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4 On page 1, line 2 of the title, after "persons;" strike the
5 remainder of the title and insert "amending RCW 74.09.670; adding a
6 new section to chapter 70.48 RCW; and creating new sections."

EFFECT: Expands the Medicaid suspension policy to include correctional institutions, state hospitals, and other treatment facilities; and requires local jails to make reasonable efforts to collaborate with managed care organizations for purposes of care coordination activities and improving health care delivery and release planning for persons confined in the jail.

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