

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1348

Chapter 166, Laws of 2021

67th Legislature
2021 Regular Session

INCARCERATED PERSONS—MEDICAL ASSISTANCE

EFFECTIVE DATE: July 25, 2021

Passed by the House April 16, 2021
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved May 3, 2021 2:20 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1348** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 3, 2021

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1348

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Health Care & Wellness (originally sponsored 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)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the provision of medical assistance to
2 incarcerated persons; amending RCW 74.09.670; adding a new section to
3 chapter 70.48 RCW; and creating new sections.

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

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

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

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

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

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

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

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

1 ~~((The))~~ (1) Except as provided in subsection (2) of this section,
2 when the authority ~~((is directed to))~~ receives information that a
3 person enrolled in medical assistance is confined in a setting in
4 which federal financial participation is disallowed by the state's
5 agreements with the federal government, the authority shall suspend,
6 rather than terminate, medical assistance benefits ~~((by July 1,~~
7 ~~2017,))~~ for these persons, including those who are incarcerated in a
8 correctional institution as defined in RCW 9.94.049, or committed to
9 a state hospital or other treatment facility. ~~((This must include the~~
10 ~~ability for a))~~ A person who is not currently enrolled in medical
11 assistance must be allowed to apply for medical assistance in
12 suspense status during ~~((incarceration))~~ confinement, and the ability
13 to apply may not depend upon knowledge of the release or discharge
14 date of the person. ~~((The authority must provide a progress report~~
15 ~~describing program design and a detailed fiscal estimate to the~~
16 ~~governor and relevant committees of the legislature by December 1,~~
17 ~~2016.))~~

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

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

23 (ii) A person not enrolled in medical assistance at the time of
24 incarceration must have the ability to apply for medical assistance
25 during incarceration, which may not depend on knowledge of the
26 release date of the person. If the person is enrolled in medical
27 assistance during the first 29 days of the person's incarceration,
28 the person's incarceration status may not affect the person's
29 enrollment in medical assistance.

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

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

35 A department of corrections or chief law enforcement officer
36 responsible for the operation of a jail shall make reasonable efforts
37 to collaborate with managed care organizations, as defined in RCW
38 71.24.025, for the purposes of care coordination activities and

1 improving health care delivery and release planning for persons
2 confined in the jail.

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

7 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
8 conflict with federal requirements that are a prescribed condition to
9 the allocation of federal funds to the state, the conflicting part of
10 this act is inoperative solely to the extent of the conflict and with
11 respect to the agencies directly affected, and this finding does not
12 affect the operation of the remainder of this act in its application
13 to the agencies concerned. Rules adopted under this act must meet
14 federal requirements that are a necessary condition to the receipt of
15 federal funds by the state.

Passed by the House April 16, 2021.
Passed by the Senate April 10, 2021.
Approved by the Governor May 3, 2021.
Filed in Office of Secretary of State May 3, 2021.

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