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**SENATE BILL 5128**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator C. Wilson

AN ACT Relating to the provision of medical assistance to individuals in juvenile detention facilities; amending RCW 74.09.555 and 9.94.049; reenacting and amending RCW 74.09.670; creating new sections; and providing an expiration date.

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

**Sec.**  RCW 74.09.670 and 2021 c 243 s 2 and 2021 c 166 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, when the authority receives information that a person enrolled in medical assistance is confined in a setting in which federal financial participation is disallowed by the state's agreements with the federal government, the authority shall suspend, rather than terminate, medical assistance benefits for these persons, including those who are ((~~incarcerated~~)): Incarcerated in a correctional institution as defined in RCW 9.94.049, confined in an institution or facility operated by the department of children, youth, and families, confined in a county juvenile detention facility, or committed to a state hospital or other treatment facility. A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person.

(2)(a) During the first 29 days of a person's incarceration or confinement in a correctional institution, as defined in RCW 9.94.049, in an institution or facility operated by the department of children, youth, and families, or in a county juvenile detention facility:

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

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

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

(3) "Detention facility" has the same meaning as defined in RCW 13.40.020.

**Sec.**  RCW 74.09.555 and 2021 c 243 s 3 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons who were enrolled in medical assistance immediately prior to confinement, or who become enrolled in medical assistance in suspense status during the period of confinement, are released from confinement, their medical assistance coverage shall be fully reinstated no later than at the moment of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law. The authority may reinstate medical assistance prior to the day of release provided that no federal funds are expended for any purpose that is not authorized by the state's agreements with the federal government.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, the department of children, youth, and families, managed care organizations, county juvenile detention facilities, and behavioral health administrative services organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, ((~~and~~)) correctional institutions, as defined in RCW 9.94.049, institutions or facilities operated by the department of children, youth, and families, and county juvenile detention facilities, that result in prompt reinstatement of eligibility and speedy eligibility determinations for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expeditious review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services before their release from confinement;

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons; and

(e) Assuring that notification of the person's release date, current location, and other appropriate information is provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution ((~~or~~)), institution for mental diseases, institution or facility operated by the department of children, youth, and families, or county juvenile detention facility shall provide the authority with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, held in an institution or facility operated by the department of children, youth, and families or a county juvenile detention facility, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person for medicaid.

**Sec.**  RCW 9.94.049 and 2021 c 243 s 5 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, ((~~juvenile detention centers,~~)) and other facilities operated by the department of corrections((~~, department of children, youth, and families,~~)) or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction ((~~or adjudication~~)) of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons.

NEW SECTION. **Sec.**  The health care authority shall collaborate with managed care organizations, the department of children, youth, and families, and detention facilities, as defined in RCW 13.40.020, to implement section 5121 of the Consolidated Appropriations Act of 2023 (Public Law 117-328) that requires the provision of:

(1) Screening and diagnostic services to eligible juveniles in the 30 days prior to release, or not later than one week or as soon as practicable after release; and

(2) Targeted case management services for a minimum of 30 days prior to release and for at least 30 days or as medically necessary following release to connect juveniles with services and providers in the geographic area where the eligible juvenile will be residing upon release, when possible.

NEW SECTION. **Sec.**  The health care authority shall leverage existing resources, development plans, and funding as part of its other medical assistance programs, including the section 1115 demonstration waiver and reentry services initiative approved by the federal department of health and human services on June 30, 2023.

NEW SECTION. **Sec.**  By December 1, 2025, and in compliance with RCW 43.01.036, the health care authority shall submit a report to the governor and the legislature on:

(1) The status of the authority's operational plan to implement section 5121 of the Consolidated Appropriations Act of 2023 (Public Law 117-328);

(2) A summary of the authority's collaboration efforts with managed care organizations, the department of children, youth, and families, and detention facilities as defined in RCW 13.40.020, and the identification of any barriers or challenges to providing services to eligible juveniles across the state; and

(3) The feasibility of providing coverage for optional services under section 5122 of the Consolidated Appropriations Act of 2023 (Public Law 117-328) for the full period of incarceration pending disposition of charges.

NEW SECTION. **Sec.**  Sections 4 through 6 of this act expire July 1, 2026.

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

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