

SSB 5128 - S AMD 57

By Senator C. Wilson

ADOPTED 02/25/2025

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that in 2021,
4 Engrossed Second Substitute Senate Bill 5304 was signed into law to
5 better ensure continuity of coverage for medicaid enrollment of
6 incarcerated youth. The legislature finds that further clarification
7 is required to ensure local and state juvenile facilities are made
8 aware of opportunities for continuity of coverage. The legislature
9 therefore resolves to remove ambiguity in state statute and to direct
10 the health care authority to document its efforts working with local
11 providers to ensure a warm handoff upon release from detention
12 facilities.

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

15 (1) Except as provided in subsection (2) of this section, when
16 the authority receives information that a person enrolled in medical
17 assistance is confined in a setting in which federal financial
18 participation is disallowed by the state's agreements with the
19 federal government, the authority shall suspend, rather than
20 terminate, medical assistance benefits for these persons, including
21 those who are (~~incarcerated~~): Incarcerated in a correctional
22 (~~institution~~) facility as defined in RCW (~~(9.94.049,)~~) 72.09.015
23 and 70.48.020, confined in an institution or facility operated by the
24 department of children, youth, and families, or committed to a state
25 hospital or other treatment facility. A person who is not currently
26 enrolled in medical assistance must be allowed to apply for medical
27 assistance in suspense status during confinement, and the ability to
28 apply may not depend upon knowledge of the release or discharge date
29 of the person.

30 (2)(a) During the first 29 days of a person's incarceration or
31 confinement in a correctional (~~institution~~) facility, as defined in

1 RCW ((9.94.049)) 72.09.015 and 70.48.020, or in an institution or
2 facility operated by the department of children, youth, and families:

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

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

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

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

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

33 (2) The authority, in collaboration with the Washington
34 association of sheriffs and police chiefs, the department of
35 corrections, the department of children, youth, and families, managed
36 care organizations, and behavioral health administrative services
37 organizations, shall establish procedures for coordination between
38 the authority and department field offices, institutions for mental
39 disease, ((and)) correctional ((institutions)) facilities, as defined

1 in RCW ((9.94.049,)) 72.09.015 and 70.48.020, and institutions or
2 facilities operated by the department of children, youth, and
3 families, that result in prompt reinstatement of eligibility and
4 speedy eligibility determinations for medical assistance services
5 upon release from confinement. Procedures developed under this
6 subsection must address:

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

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

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

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

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

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

35 (4) For purposes of this section, "confined" or "confinement"
36 means incarcerated in a correctional ((~~institution~~)) facility, as
37 defined in RCW ((9.94.049,)) 72.09.015 and 70.48.020, held in an
38 institution or facility operated by the department of children,
39 youth, and families, or admitted to an institute for mental disease,
40 as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

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

5 **Sec. 4.** RCW 71.24.715 and 2021 c 243 s 4 are each amended to
6 read as follows:

7 (1) The health care authority shall apply for a waiver allowing
8 the state to provide medicaid services to persons who are confined in
9 a correctional ((~~institution~~)) facility as defined in RCW ((~~9.94.049~~
10 ~~or confined in~~)) 72.09.015 and 70.48.020, institution or facility
11 operated by the department of children, youth, and families, or a
12 state hospital or other treatment facility up to 30 days prior to the
13 person's release or discharge to the community. The purpose is to
14 create continuity of care and provide reentry services.

15 (2) The health care authority shall consult with the work group
16 established under RCW 71.24.710 about how to optimize the waiver
17 application and its chance of success, including by limiting its
18 scope if deemed appropriate.

19 (3) The health care authority shall inform the governor and
20 relevant committees of the legislature in writing when the waiver
21 application is submitted and update them as to progress of the waiver
22 at appropriate points.

23 (4) No provision of this section may be interpreted to require
24 the health care authority to provide medicaid services to persons who
25 are confined in a correctional ((~~institution~~)) facility, state
26 hospital, or other treatment facility up to 30 days prior to the
27 person's release or discharge unless the health care authority
28 obtains final approval for its waiver application from the centers
29 for medicare and medicaid services.

30 NEW SECTION. **Sec. 5.** (1) The health care authority shall
31 collaborate with managed care organizations, the reentry services
32 work group established under RCW 71.24.710, the department of
33 children, youth, and families, and detention facilities, as defined
34 in RCW 13.40.020, to implement section 5121 of the consolidated
35 appropriations act of 2023 (P.L. 117-328) that requires the provision
36 of:

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

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

9 (2) This section expires July 1, 2026.

10 NEW SECTION. **Sec. 6.** (1) The health care authority shall
11 leverage existing resources, development plans, and funding as part
12 of its other medical assistance programs, including the section 1115
13 demonstration waiver and reentry services initiative approved by the
14 federal department of health and human services on June 30, 2023.

15 (2) This section expires July 1, 2026.

16 NEW SECTION. **Sec. 7.** (1) By December 1, 2025, and in compliance
17 with RCW 43.01.036, the health care authority shall submit a report
18 to the governor and the legislature on:

19 (a) The status of the authority's operational plan to implement
20 section 5121 of the consolidated appropriations act of 2023 (P.L.
21 117-328); and

22 (b) A summary of the authority's collaboration efforts with
23 managed care organizations, the reentry services work group
24 established under RCW 71.24.710, the department of children, youth,
25 and families, and detention facilities as defined in RCW 13.40.020,
26 and the identification of any barriers or challenges to providing
27 services to eligible juveniles across the state.

28 (2) This section expires July 1, 2026.

29 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
30 conflict with federal requirements that are a prescribed condition to
31 the allocation of federal funds to the state, the conflicting part of
32 this act is inoperative solely to the extent of the conflict and with
33 respect to the agencies directly affected, and this finding does not
34 affect the operation of the remainder of this act in its application
35 to the agencies concerned."

ADOPTED 02/25/2025

1 On page 1, line 2 of the title, after "facilities;" strike the
2 remainder of the title and insert "amending RCW 74.09.555 and
3 71.24.715; reenacting and amending RCW 74.09.670; creating new
4 sections; and providing expiration dates."

EFFECT: Provides an intent section. Makes a technical change by adding collaboration with the reentry services work group to the summary part of the required report. Modifies the severability clause.

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