

# MAINE STATE LEGISLATURE

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Date: 5/30/19

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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 566, L.D. 761, Bill, "An Act To Clarify and Affirm Medicaid Eligibility for Incarcerated Individuals"

Amend the bill by striking out the title and substituting the following:

**'An Act To Ensure That Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Program Benefits upon Release'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA §3104, sub-§17 is enacted to read:**

17. Preenrollment for persons released from a correctional facility. The department shall apply for and implement a waiver pursuant to 7 Code of Federal Regulations, Part 273 to promote streamlined and timely access to food supplement program benefits for a person who is being released from incarceration. The waiver must:

A. Serve a person who is incarcerated in any state or county correctional facility and who, upon the person's release, is not entering a household that is receiving food supplement program benefits;

B. Permit a person described in paragraph A to submit an application for food supplement program benefits sufficiently in advance of the person's release date to ensure the availability of benefits on that date; and

C. Establish that the release date of a person described in paragraph A is the first day the person is eligible for food supplement program benefits.

**Sec. 2. 22 MRSA §3174-CC, as enacted by PL 2001, c. 659, Pt. B, §1, is repealed and the following enacted in its place:**

**§3174-CC. Medicaid eligibility during incarceration**

**1. Establish procedures.** The department shall establish procedures to ensure that:

**COMMITTEE AMENDMENT**

R.O.P.S

1 A. A person receiving federally approved Medicaid services prior to incarceration  
2 does not lose Medicaid eligibility as a result of that incarceration and receives  
3 assistance with reapplying for benefits if that person's Medicaid coverage expires or  
4 is terminated during the term of incarceration; and

5 B. A person who is not receiving federally approved Medicaid services prior to  
6 incarceration but meets the eligibility requirements for Medicaid receives assistance  
7 with applying for federally approved Medicaid services.

8 **2. Presumptive eligibility.** If a MaineCare provider determines that a person who is  
9 incarcerated who does not have Medicaid coverage is likely to be eligible for services  
10 under this section, the provider must be reimbursed for services provided under this  
11 section in accordance with 42 Code of Federal Regulations, Section 435.1101.

12 **3. Memorandum of understanding.** The department and the Department of  
13 Corrections shall enter into a memorandum of understanding in order to provide an  
14 incarcerated person with assistance in applying for benefits under this section and section  
15 3104, subsection 17.

16 The provisions of this section apply even if Medicaid coverage is limited during the  
17 period of incarceration. Nothing in this section requires or permits the department to  
18 maintain an incarcerated person's Medicaid eligibility if the person no longer meets  
19 eligibility requirements.

20 **Sec. 3. Appropriations and allocations.** The following appropriations and  
21 allocations are made.

22 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
23 **Office for Family Independence Z020**

24 Initiative: Provides one-time appropriation and allocation for required technology  
25 changes to add a presumptive eligibility group when eligibility is determined by a  
26 provider other than a hospital.

27	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
28	All Other	\$29,509	\$0
29			
30	<b>GENERAL FUND TOTAL</b>	<u>\$29,509</u>	<u>\$0</u>

31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
32	All Other	\$30,478	\$0
33			
34	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$30,478</u>	<u>\$0</u>

35  
36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
37 section number to read consecutively.

ROFS

COMMITTEE AMENDMENT "A" to H.P. 566, L.D. 761

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**SUMMARY**

This amendment, which is the unanimous report of the committee, clarifies the provisions in the bill regarding presumptive eligibility. It also directs the Department of Health and Human Services to apply for a waiver in order to provide food supplement program benefits to a person being released from incarceration. It directs the Department of Health and Human Services and Department of Corrections to enter into a memorandum of understanding in order to assist an incarcerated person with applying for Medicaid benefits and food supplement program benefits. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 129th MAINE LEGISLATURE

LD 761

LR 773(02)

## An Act To Clarify and Affirm Medicaid Eligibility for Incarcerated Individuals

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-404)  
Committee: Health and Human Services  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$29,509	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$29,509	\$0	\$0	\$0
Other Special Revenue Funds	\$30,478	\$0	\$0	\$0

#### Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation to the Department of Health and Human Services of \$29,509 in fiscal year 2019-20 for required technology changes to add a presumptive eligibility group when eligibility is determined by a provider other than a hospital. A one-time Other Special Revenue Funds allocation is also included for the federal match.

Any additional costs to the Department of Health and Human Services and the Department of Corrections to enter into a memorandum of understanding to provide an incarcerated person with assistance in applying for benefits are expected to be minor and can be absorbed within existing budgeted resources.