

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 761

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H.P. 566

House of Representatives, February 12, 2019

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

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Representative STANLEY of Medway, Senator CARPENTER of Aroostook  
and Representatives: BROOKS of Lewiston, DUNPHY of Old Town, EVANGELOS of  
Friendship, McCREIGHT of Harpswell, McLEAN of Gorham, O'NEIL of Saco, STOVER of  
Boothbay, Senator: DESCHAMBAULT of York.

1 **Be it enacted by the People of the State of Maine as follows:**

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 B, §1, is repealed  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

4 **§3174-CC. Medicaid eligibility during incarceration**

5 The department shall establish procedures to ensure that:

6 **1. Coverage prior to incarceration; reapplying for coverage.** A person receiving  
7 federally approved Medicaid services prior to incarceration does not lose Medicaid  
8 eligibility as a result of that incarceration and receives assistance with reapplying for  
9 benefits if that person's Medicaid coverage expires during the term of incarceration; and

10 **2. Applying for coverage after incarceration.** A person who is not receiving  
11 federally approved Medicaid services prior to incarceration but meets the eligibility  
12 requirements for Medicaid receives assistance with applying for federally approved  
13 Medicaid services.

14 The provisions of this section apply even if Medicaid coverage is limited during the  
15 period of incarceration. The department shall provide Medicaid coverage for treatment  
16 received outside a correctional facility, including retroactive coverage, as long as, at the  
17 time treatment is provided, the incarcerated person is eligible for Medicaid. Nothing in  
18 this section requires or permits the department to maintain an incarcerated person's  
19 Medicaid eligibility if the person no longer meets eligibility requirements.

20 **SUMMARY**

21 This bill clarifies current law regarding Medicaid eligibility for incarcerated  
22 individuals to ensure that individuals who are eligible for Medicaid coverage are able to  
23 renew their coverage while they are incarcerated and also establishes a mechanism to  
24 ensure that individuals who are uninsured and eligible for Medicaid coverage are able to  
25 apply for coverage while they are incarcerated. The bill also requires the Department of  
26 Health and Human Services to provide Medicaid coverage for treatment received by an  
27 incarcerated person outside a correctional facility as long as, at the time treatment is  
28 provided, the person is eligible for Medicaid.