

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1110

S.P. 364

In Senate, March 21, 2017

An Act Concerning Medicaid for Incarcerated Persons about To Be Released

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative TUCKER of Brunswick and
Senators: BREEN of Cumberland, DILL of Penobscot, VITELLI of Sagadahoc,
Representatives: CARDONE of Bangor, DENNO of Cumberland, DEVIN of Newcastle,
LONGSTAFF of Waterville.

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
3 amended to read:

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

5 The department shall ~~establish procedures to~~ ensure that a person receiving federally
6 approved Medicaid services prior to incarceration does not lose Medicaid eligibility as a
7 result of that incarceration, even if Medicaid coverage is limited during the period of
8 incarceration. Nothing in this section requires or permits the department to maintain an
9 incarcerated person's Medicaid eligibility if the person no longer meets ~~eligibility~~
10 coverage requirements, except that for a person who is incarcerated whose eligibility is
11 suspended pursuant to the United States Social Security Act, 42 United States Code
12 1396d, Section 1905(a)(29)(A) the department must provide:

13 **1. Federal disability benefits under the United States Social Security Act.** As
14 applicable to a person who was qualified to receive disability benefits under the United
15 States Social Security Act, an opportunity to terminate the suspension and reactivate
16 coverage immediately upon release and a process through which the person may apply
17 for coverage for Medicaid at least 45 days prior to release from incarceration; and

18 **2. Other qualifications for Medicaid benefits.** As applicable to a person who was
19 qualified to receive Medicaid benefits other than under subsection 1, prior to release from
20 incarceration, notice of the opportunity to terminate suspension and reactivate coverage
21 immediately upon release and a process through which the person may consent to
22 notification to other individuals of the pending reactivation of Medicaid coverage, as
23 authorized by the person.

24 **SUMMARY**

25 This bill requires the Department of Health and Human Services to allow an
26 incarcerated person who has lost Medicaid coverage due to losing a federal benefit
27 provided under the United States Social Security Act while incarcerated to be given the
28 opportunity and assistance to reapply for Medicaid coverage 45 days before release from
29 incarceration.