

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1204

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H.P. 764

House of Representatives, March 14, 2023

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**An Act to Improve the Health of Maine Residents by Closing  
Coverage Gaps in the MaineCare Program for Incarcerated Persons**

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

  
ROBERT B. HUNT  
Clerk

Presented by Speaker TALBOT ROSS of Portland.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: MEYER of Eliot, NUTTING of Oakland, Senators: BAILEY of York,  
BRAKEY of Androscoggin, FARRIN of Somerset.

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

2 **Sec. 1. 22 MRSA §3174-CC**, as repealed and replaced by PL 2019, c. 492, §2, is  
3 amended to read:

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

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

6 A. A person receiving federally approved Medicaid services prior to incarceration in  
7 a correctional facility, county jail or regional jail does not lose Medicaid eligibility as  
8 a result of that incarceration and receives assistance with reapplying for benefits if that  
9 person's Medicaid coverage expires or is terminated during the term of incarceration;  
10 and

11 B. A person who is not receiving federally approved Medicaid services prior to  
12 incarceration in a correctional facility, county jail or regional jail but meets the  
13 eligibility requirements for Medicaid receives assistance with applying for federally  
14 approved Medicaid services.

15 **2. Presumptive eligibility.** If a MaineCare provider determines that a person who is  
16 incarcerated in a correctional facility, county jail or regional jail who does not have  
17 Medicaid coverage is likely to be eligible for services under this section, the provider must  
18 be reimbursed for services provided under this section in accordance with 42 Code of  
19 Federal Regulations, Section 435.1101.

20 **3. Memorandum of understanding with Department of Corrections.** The  
21 department and the Department of Corrections shall enter into a memorandum of  
22 understanding in order to provide ~~an~~ a person who is incarcerated ~~person~~ in a correctional  
23 facility with assistance in applying for benefits under this section and section 3104,  
24 subsection 17.

25 **4. Memorandum of understanding with counties.** The department shall enter into  
26 a memorandum of understanding with counties in this State that have a county jail or a  
27 regional jail in order to provide a person who is incarcerated in a county jail or a regional  
28 jail with assistance in applying for benefits under this section.

29 The provisions of this section apply even if Medicaid coverage is limited during the  
30 period of incarceration in a correctional facility, county jail or a regional jail. Nothing in  
31 this section requires or permits the department to maintain an incarcerated person's  
32 Medicaid eligibility if the person no longer meets eligibility requirements.

33 **SUMMARY**

34 This bill requires the Department of Health and Human Services to enter into a  
35 memorandum of understanding with counties in this State that have a county jail or a  
36 regional jail in order to provide a person who is incarcerated in a county jail or a regional  
37 jail with assistance in applying for MaineCare services.