

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 952

Introduced by Cavanaugh, J., 9.

Read first time January 10, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the medical assistance program; to amend
- 2 section 47-706, Reissue Revised Statutes of Nebraska; to provide
- 3 enrollment for the medical assistance program to inmates prior to
- 4 release from incarceration; to harmonize provisions; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-706, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 47-706 (1) It is the intent of the Legislature to ensure that human
4 services agencies, correctional facilities, and detention facilities
5 recognize that:

6 (a) Federal law generally does not authorize federal financial
7 participation for medicaid when a person is an inmate of a public
8 institution as defined in federal law but that federal financial
9 participation is available after an inmate is released from
10 incarceration; and

11 (b) The fact that an applicant is currently an inmate does not, in
12 and of itself, preclude the Department of Health and Human Services from
13 processing an application submitted to it by, or on behalf of, the
14 inmate.

15 (2)(a) Medical assistance under the medical assistance program shall
16 be suspended, rather than canceled or terminated, for a person who is an
17 inmate of a public institution if:

18 (i) The Department of Health and Human Services is notified of the
19 person's entry into the public institution;

20 (ii) On the date of entry, the person was enrolled in the medical
21 assistance program; and

22 (iii) The person is eligible for the medical assistance program
23 except for institutional status.

24 (b) A suspension under subdivision (2)(a) of this section shall end
25 on the date the person is no longer an inmate of a public institution.

26 (c) Upon release from incarceration, such person shall continue to
27 be eligible for receipt of medical assistance until such time as the
28 person is otherwise determined to no longer be eligible for the medical
29 assistance program.

30 (3)(a) The Department of Correctional Services shall notify the
31 Department of Health and Human Services:

1 (i) Within twenty days after receiving information that a person
2 receiving medical assistance under the medical assistance program is or
3 will be an inmate of a public institution; and

4 (ii) Within forty-five days prior to the release of a person who
5 qualified for suspension under subdivision (2)(a) of this section.

6 (b) Local correctional facilities, juvenile detention facilities,
7 and other temporary detention centers shall notify the Department of
8 Health and Human Services within ten days after receiving information
9 that a person receiving medical assistance under the medical assistance
10 program is or will be an inmate of a public institution.

11 (4)(a) For individuals who are inmates of a public institution and
12 have at least sixty days prior notice of their anticipated release date:

13 (i) The Department of Health and Human Services shall provide onsite
14 medical assistance program enrollment assistance to each inmate at least
15 sixty days before the inmate's release from a public institution. The
16 department shall submit all inmates' medical assistance program
17 applications at least forty-five days prior to the inmate's release from
18 a public institution unless the inmate elects not to apply for the
19 medical assistance program in writing or the inmate is currently enrolled
20 in the medical assistance program with suspended coverage under
21 subsection (2) of this section; and

22 (ii) The Department of Health and Human Services shall process all
23 medical assistance program applications prior to an inmate's release from
24 a public institution so that medical assistance program coverage is
25 automatically effective for an eligible individual no later than the day
26 of release from a public institution.

27 (b) For individuals who are inmates of a public institution and have
28 less than sixty days prior notice of their anticipated release date:

29 (i) The Department of Health and Human Services shall provide onsite
30 medical assistance program enrollment assistance to each inmate as soon
31 as practicable prior to the inmate's release from a public institution.

1 The department shall submit all inmates' medical assistance program
2 applications as soon as practicable prior to the inmate's release from a
3 public institution unless the inmate elects not to apply for the medical
4 assistance program in writing or the inmate is currently enrolled in the
5 medical assistance program with suspended coverage under subsection (2)
6 of this section; and

7 (ii) The Department of Health and Human Services shall process all
8 medical assistance program applications prior to the inmate's release
9 from a public institution so that medical assistance program coverage
10 becomes automatically effective for an eligible individual no later than
11 the day of release from a public institution or as soon as practicable
12 thereafter.

13 (c) The Department of Health and Human Services may contract with
14 certified third-party enrollment assisters to provide the enrollment
15 assistance and application submission required by this subsection.

16 (d) The Department of Health and Human Services shall take all
17 necessary actions to maximize federal financial participation pursuant to
18 this subsection.

19 (5) (4) Nothing in this section shall create a state-funded benefit
20 or program.

21 (6) (5) For purposes of this section, medical assistance program
22 means the medical assistance program under the Medical Assistance Act and
23 the State Children's Health Insurance Program.

24 (7) (6) This section shall be implemented only if, and to the
25 extent, allowed by federal law. This section shall be implemented only to
26 the extent that any necessary federal approval of state plan amendments
27 or other federal approvals are obtained. The Department of Health and
28 Human Services shall seek such approval if required.

29 (8) (7) Local correctional facilities, the Nebraska Commission on
30 Law Enforcement and Criminal Justice, and the Office of Probation
31 Administration shall cooperate with the Department of Health and Human

1 Services and the Department of Correctional Services for purposes of
2 facilitating information sharing to achieve the purposes of this section.

3 (9)(a) ~~(8)(a)~~ The Department of Correctional Services shall adopt
4 and promulgate rules and regulations, in consultation with the Department
5 of Health and Human Services and local correctional facilities, to carry
6 out this section.

7 (b) The Department of Health and Human Services shall adopt and
8 promulgate rules and regulations, in consultation with the Department of
9 Correctional Services and local correctional facilities, to carry out
10 this section.

11 Sec. 2. Original section 47-706, Reissue Revised Statutes of
12 Nebraska, is repealed.