

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 566 - L.D. 761

**An Act To Ensure That Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Program Benefits upon Release****Be it enacted by the People of the State of Maine as follows:****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 B, §1, is repealed and the following enacted in its place: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:

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

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

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

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

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

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

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

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

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$29,509	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$29,509</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,478	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,478</b>	<b>\$0</b>