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HOUSE BILL 2993

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Dickerson, Kagi, Hasegawa, Darneille, Kenney,  
Roberts, and Ormsby

Read first time 01/21/08. Referred to Committee on Human Services.

1            AN ACT Relating to facilitating continuity of medical assistance  
2 for persons confined in correctional institutions and institutions for  
3 mental diseases; amending RCW 74.08.025, 74.08.060, 74.09.010, and  
4 74.09.555; adding a new section to chapter 74.09 RCW; and providing an  
5 effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            **Sec. 1.** RCW 74.08.025 and 2005 c 174 s 2 are each amended to read  
8 as follows:

9            (1) Public assistance may be awarded to any applicant:

10            (a) Who is in need and otherwise meets the eligibility requirements  
11 of department assistance programs; and

12            (b) Who has not made a voluntary assignment of property or cash for  
13 the purpose of qualifying for an assistance grant(~~(+and)~~).

14            (~~(c) Who is not~~) (2) A person who is an inmate of a public  
15 institution except as a patient in a medical institution or except as  
16 an inmate in a public institution who could qualify for federal aid  
17 assistance(~~(+PROVIDED, That)~~) shall not receive public assistance  
18 benefits while he or she is an inmate of a public institution, except  
19 as otherwise provided by state law. A person who is placed on

1 electronic home monitoring is not an inmate of a public institution  
2 under this subsection, and is not prohibited from receiving public  
3 assistance benefits on that basis.

4 (3) The assistance paid by the department to recipients in nursing  
5 homes, or receiving nursing home care, may cover the cost of clothing  
6 and incidentals and general maintenance exclusive of medical care and  
7 health services. The department may pay a grant to cover the cost of  
8 clothing and personal incidentals in public or private medical  
9 institutions and institutions for tuberculosis. The department shall  
10 allow recipients in nursing homes to retain, in addition to the grant  
11 to cover the cost of clothing and incidentals, wages received for work  
12 as a part of a training or rehabilitative program designed to prepare  
13 the recipient for less restrictive placement to the extent permitted  
14 under Title XIX of the federal social security act.

15 ~~((+2))~~ (4) Any person otherwise qualified for temporary assistance  
16 for needy families under this title who has resided in the state of  
17 Washington for fewer than twelve consecutive months immediately  
18 preceding application for assistance is limited to the benefit level in  
19 the state in which the person resided immediately before Washington,  
20 using the eligibility rules and other definitions established under  
21 this chapter, that was obtainable on the date of application in  
22 Washington state, if the benefit level of the prior state is lower than  
23 the level provided to similarly situated applicants in Washington  
24 state. The benefit level under this subsection shall be in effect for  
25 the first twelve months a recipient is on temporary assistance for  
26 needy families in Washington state.

27 ~~((+3))~~ (5) Any person otherwise qualified for temporary assistance  
28 for needy families who is assessed through the state alcohol and  
29 substance abuse program as drug or alcohol-dependent and requiring  
30 treatment to become employable shall be required by the department to  
31 participate in a drug or alcohol treatment program as a condition of  
32 benefit receipt.

33 ~~((+4))~~ (6) Pursuant to 21 U.S.C. 862a(d)(1), the department shall  
34 exempt individuals from the eligibility restrictions of 21 U.S.C.  
35 862a(a)(1) and (2) to ensure eligibility for temporary assistance for  
36 needy families benefits and federal food assistance.

1       **Sec. 2.** RCW 74.08.060 and 1985 c 335 s 4 are each amended to read  
2 as follows:

3       The department shall ~~((be required to))~~ approve or deny the  
4 application within forty-five days after ~~((the))~~ filing ~~((thereof))~~ and  
5 shall immediately notify the applicant in writing of its decision~~((+~~  
6 ~~PROVIDED, That))~~. If the department is not able within forty-five  
7 days, despite due diligence, to secure all information necessary to  
8 establish ~~((his))~~ eligibility, the department ~~((is charged to))~~ shall  
9 continue to secure such information and if such information, when  
10 established, makes the applicant eligible, the department shall pay  
11 ~~((his))~~ the grant from date of authorization or forty-five days after  
12 date of application whichever is sooner.

13       This rule shall not prevent an inmate of a Washington state  
14 correctional institution or Washington state institution for mental  
15 diseases as those terms are defined in RCW 74.09.010 from applying for  
16 medical assistance as described in section 4(2) of this act.

17       Any person currently ineligible, who will become eligible after the  
18 occurrence of a specific event, may apply for assistance within forty-  
19 five days of that event.

20       The department is authorized, in respect to work requirements, to  
21 provide employment and training services, including job search, job  
22 placement, work orientation, and necessary support services to verify  
23 eligibility.

24       **Sec. 3.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as  
25 follows:

26       As used in this chapter:

27       (1) "Children's health program" means the health care services  
28 program provided to children under eighteen years of age and in  
29 households with incomes at or below the federal poverty level as  
30 annually defined by the federal department of health and human services  
31 as adjusted for family size, and who are not otherwise eligible for  
32 medical assistance or the limited casualty program for the medically  
33 needy.

34       (2) ~~(( "Committee" means the children's health services committee~~  
35 ~~created in section 3 of this act.))~~ "Correctional institution" means  
36 any place designated by law for the keeping of persons held in custody  
37 under process of law, or under lawful arrest, including state prisons,

1 county and local jails, and other facilities operated by the department  
2 of corrections or local governmental units primarily for the purposes  
3 of punishment, correction, or rehabilitation following conviction of a  
4 criminal offense.

5 (3) "County" means the board of county commissioners, county  
6 council, county executive, or tribal jurisdiction, or its designee. A  
7 combination of two or more county authorities or tribal jurisdictions  
8 may enter into joint agreements to fulfill the requirements of RCW  
9 74.09.415 through 74.09.435.

10 (4) "Department" means the department of social and health  
11 services.

12 (5) "Department of health" means the Washington state department of  
13 health created pursuant to RCW 43.70.020.

14 (6) "Institution for mental diseases" means a hospital, nursing  
15 facility, or other institution of more than sixteen beds that is  
16 primarily engaged in providing diagnosis, treatment, or care of persons  
17 with mental diseases, including medical attention, nursing care, and  
18 related services, which would be excluded from federal financial  
19 participation in expenditure for services under federal law.

20 (7) "Internal management" means the administration of medical  
21 assistance, medical care services, the children's health program, and  
22 the limited casualty program.

23 ~~((+7))~~ (8) "Limited casualty program" means the medical care  
24 program provided to medically needy persons as defined under Title XIX  
25 of the federal social security act, and to medically indigent persons  
26 who are without income or resources sufficient to secure necessary  
27 medical services.

28 ~~((+8))~~ (9) "Medical assistance" means the federal aid medical care  
29 program provided to categorically needy persons as defined under Title  
30 XIX of the federal social security act.

31 ~~((+9))~~ (10) "Medical care services" means the limited scope of  
32 care financed by state funds and provided to general assistance  
33 recipients, and recipients of alcohol and drug addiction services  
34 provided under chapter 74.50 RCW.

35 ~~((+10))~~ (11) "Nursing home" means nursing home as defined in RCW  
36 18.51.010.

37 ~~((+11))~~ (12) "Poverty" means the federal poverty level determined

1 annually by the United States department of health and human services,  
2 or successor agency.

3 ((+12+)) (13) "Secretary" means the secretary of social and health  
4 services.

5 ((+13+)) (14) "Full benefit dual eligible beneficiary" means an  
6 individual who, for any month: Has coverage for the month under a  
7 medicare prescription drug plan or medicare advantage plan with part D  
8 coverage; and is determined eligible by the state for full medicaid  
9 benefits for the month under any eligibility category in the state's  
10 medicaid plan or a section 1115 demonstration waiver that provides  
11 pharmacy benefits.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW  
13 to read as follows:

14 (1) An individual who is receiving medical assistance benefits at  
15 the time he or she becomes confined in a Washington state correctional  
16 institution or Washington state institution for mental diseases shall  
17 not be terminated from medical assistance on the basis of confinement.  
18 Medical assistance to that individual shall be suspended during the  
19 period of confinement in the following manner:

20 (a) No medical assistance benefits shall be paid to the individual  
21 while he or she is in confinement, except as explicitly authorized by  
22 state law.

23 (b) Upon the individual's release from confinement, medical  
24 assistance benefits for the individual shall be immediately resumed.  
25 No new application is required to effectuate resumption of medical  
26 assistance.

27 (c) The individual is not required to recertify eligibility for  
28 medical assistance during the period in which he or she is confined.

29 (i) If the individual is confined at the time at which he or she  
30 would otherwise be required to recertify eligibility for medical  
31 assistance, the department may allow the individual to recertify  
32 eligibility prior to release from confinement, or may require the  
33 individual to recertify eligibility immediately following release, or  
34 at any later time established by rule.

35 (ii) The department shall explore the feasibility of obtaining a  
36 medicaid state plan amendment to allow the state to receive medicaid

1 matching funds for medical assistance provided to an individual during  
2 the period in which recertification of eligibility is pending under  
3 (c)(i) of this subsection.

4 (d) The department may terminate medical assistance to a person who  
5 is released from confinement to an address outside of the state of  
6 Washington, or to an individual who receives medical assistance based  
7 on the children's health program who ages out of the program during the  
8 period of confinement.

9 (e) The department shall collaborate with the Washington  
10 association of sheriffs and police chiefs, the department of  
11 corrections, the regional support networks, department field offices,  
12 institutions for mental diseases, and correctional institutions to  
13 establish policies and procedures that will facilitate speedy  
14 notification of the department when an individual enrolled in medical  
15 assistance is confined in a Washington state correctional institution  
16 or Washington state institution for mental diseases, or is released  
17 from confinement. The department shall adopt policies which promote  
18 continuity of medical assistance for such individuals, and make efforts  
19 to inform individuals in confinement about suspension of medical  
20 assistance and any applicable recertification requirement upon release.

21 (f) To the extent funding is provided for this purpose, the  
22 department shall expedite processing of applications for federal  
23 supplemental security income or social security disability benefits for  
24 individuals whose medical assistance benefits are suspended under this  
25 section.

26 (2)(a) The department shall consider an application for medical  
27 assistance from an individual who is confined in a Washington state  
28 correctional institution or Washington state institution for mental  
29 diseases if:

30 (i) The individual does not have an established final release date  
31 because the individual has not yet been tried or sentenced in a  
32 criminal case; or

33 (ii) The individual is scheduled to be released from confinement  
34 within the next four months.

35 (b) The department shall approve or deny an application for medical  
36 assistance from a confined individual within forty-five days after  
37 filing thereof and shall immediately notify the applicant in writing of  
38 its decision. If the department is unable despite due diligence to

1 secure necessary information to establish eligibility within forty-five  
2 days, the department shall continue to secure such information for a  
3 reasonable period. If the department determines that the applicant  
4 would be eligible for medical assistance except for the fact of  
5 confinement, the department shall approve the application, and medical  
6 assistance for the individual shall be suspended as described in  
7 subsection (1) of this section. No benefits shall be paid to the  
8 individual prior to release from confinement, except as explicitly  
9 authorized by law.

10 (c) In reviewing an application for medical assistance under this  
11 subsection, the department shall include in its consideration evidence  
12 of any medical evaluation performed within one year of the date of  
13 application. If insufficient evidence is available upon which to make  
14 a determination, the department shall arrange for an evaluation to be  
15 performed consistent with RCW 74.09.075.

16 (3) The department is authorized to make rules necessary to  
17 implement this section.

18 **Sec. 5.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to read  
19 as follows:

20 (1) The department shall adopt rules and policies providing that  
21 when persons with a mental disorder, who were enrolled in medical  
22 assistance immediately prior to confinement, are released from  
23 confinement, their medical assistance coverage will be fully reinstated  
24 on the day of their release(~~(, subject to any expedited review of their~~  
25 ~~continued eligibility for medical assistance coverage that is required~~  
26 ~~under federal or state law))~~).

27 (2) The department, in collaboration with the Washington  
28 association of sheriffs and police chiefs, the department of  
29 corrections, and the regional support networks, shall establish  
30 procedures for coordination between department field offices,  
31 institutions for mental diseases, and correctional institutions, (~~as~~  
32 ~~defined in RCW 9.94.049,~~) that result in (~~prompt reinstatement of~~  
33 ~~eligibility and~~) speedy eligibility determinations for persons who are  
34 likely to be eligible for medical assistance services (~~upon release~~  
35 ~~from confinement~~). Procedures developed under this subsection must  
36 address:

1 (a) Mechanisms for receiving applications for medical assistance  
2 (~~services applications~~) on behalf of confined persons in anticipation  
3 of their release from confinement;

4 (b) Expeditious review of applications filed by or on behalf of  
5 confined persons and, to the extent practicable, completion of the  
6 review before the person is released;

7 (c) Mechanisms for providing medical assistance (~~services~~)  
8 identity cards to persons eligible for medical assistance services  
9 immediately upon or prior to their release from confinement; and

10 (d) Coordination with the federal social security administration,  
11 through interagency agreements or otherwise, to expedite processing of  
12 applications for federal supplemental security income or social  
13 security disability benefits, including federal acceptance of  
14 applications on behalf of confined persons.

15 (3) Where medical or psychiatric examinations during a person's  
16 confinement indicate that the person is disabled, the correctional  
17 institution or institution for mental diseases shall provide the  
18 department with that information for purposes of making medical  
19 assistance eligibility and enrollment determinations prior to the  
20 person's release from confinement. The department shall, to the  
21 maximum extent permitted by federal law, use the examination in making  
22 its determination whether the person is disabled and eligible for  
23 medical assistance.

24 (4) For purposes of this section, "confined" or "confinement" means  
25 incarcerated in a correctional institution(~~(, as defined in RCW~~  
26 ~~9.94.049,)~~) or admitted to an (~~institute~~) institution for mental  
27 diseases(~~(, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24,~~  
28 ~~2005.~~

29 ~~(5) For purposes of this section, "likely to be eligible" means~~  
30 ~~that a person:~~

31 ~~(a) Was enrolled in medicaid or supplemental security income or~~  
32 ~~general assistance immediately before he or she was confined and his or~~  
33 ~~her enrollment was terminated during his or her confinement; or~~

34 ~~(b) Was enrolled in medicaid or supplemental security income or~~  
35 ~~general assistance at any time during the five years before his or her~~  
36 ~~confinement, and medical or psychiatric examinations during the~~  
37 ~~person's confinement indicate that the person continues to be disabled~~



1 ~~and the disability is likely to last at least twelve months following~~  
2 ~~release)).~~

3 ((+6)) (5) The economic services administration shall adopt  
4 standardized statewide screening and application practices and forms  
5 designed to facilitate ((the)) applications ((of a)) for medical  
6 assistance by persons confined ((person who is likely to be eligible  
7 ~~for medicaid)) in a correctional institution or institution for mental  
8 diseases.~~

9 NEW SECTION. Sec. 6. Section 4 of this act takes effect January  
10 1, 2009.

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