
SUBSTITUTE SENATE BILL 6430

State of Washington

64th Legislature

2016 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators Parlette, Darneille, O'Ban, and Conway)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to providing continuity of care for recipients of
2 medical assistance during periods of incarceration; amending RCW
3 70.48.100; adding new sections to chapter 74.09 RCW; adding a new
4 section to chapter 71.24 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** Persons with mental illness and persons
7 with substance use disorders in the custody of the criminal justice
8 system need seamless access to community treatment networks and
9 medical assistance upon release from custody to prevent gaps in
10 treatment and reduce barriers to accessing care. Access to care is
11 critical to reduce recidivism and reduce costs associated with
12 relapse, decompensation, and crisis care. In accord with the
13 recommendations of the adult behavioral health system task force,
14 persons should be allowed to apply or retain their enrollment in
15 medical assistance during periods of incarceration. The legislature
16 intends for the Washington state health care authority and the
17 department of social and health services to raise awareness of best
18 clinical practices to engage persons with behavioral health disorders
19 and other chronic conditions during periods of incarceration and
20 confinement to highlight opportunities for good preventive care and
21 standardize reporting and payment practices for services reimbursable

1 by federal law that support the safe transition of the person back
2 into the community.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09
4 RCW to read as follows:

5 The authority is directed to suspend, rather than terminate,
6 medical assistance benefits by July 1, 2017, for persons who are
7 incarcerated or committed to a state hospital. This must include the
8 ability for a person to apply for medical assistance in suspense
9 status during incarceration, and may not depend upon knowledge of the
10 release date of the person. The authority must provide a progress
11 report describing program design and a detailed fiscal estimate to
12 the governor and relevant committees of the legislature by December
13 1, 2016.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24
15 RCW to read as follows:

16 The department and the Washington state health care authority
17 shall publish written guidance and provide trainings to behavioral
18 health organizations, managed care organizations, and behavioral
19 health providers related to how these organizations may provide
20 outreach, assistance, transition planning, and rehabilitation case
21 management reimbursable under federal law to persons who are
22 incarcerated, involuntarily hospitalized, or in the process of
23 transitioning out of one of these services. The guidance and
24 trainings may also highlight preventive activities not reimbursable
25 under federal law which may be cost-effective in a managed care
26 environment. The purpose of this written guidance and trainings is to
27 champion best clinical practices including, where appropriate, use of
28 care coordination and long-acting injectable psychotropic medication,
29 and to assist the health community to leverage federal funds and
30 standardize payment and reporting procedures. The authority and the
31 department shall construe governing laws liberally to effectuate the
32 broad remedial purposes of this act, and provide a status update to
33 the legislature by December 31, 2016.

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

36 The authority shall collaborate with the department, the
37 Washington state association of counties, the Washington association

1 of sheriffs and police chiefs, and accountable communities of health
2 to improve population health and reduce avoidable use of intensive
3 services and settings by requesting expenditure authority from the
4 federal government to provide behavioral health services to persons
5 who are incarcerated in local jails. The authority in consultation
6 with its partners may narrow its submission to discrete programs or
7 regions of the state as deemed advisable to effectively demonstrate
8 the potential to achieve savings by integrating medical assistance
9 across community and correctional settings.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.09
11 RCW to read as follows:

12 It is the understanding of the legislature that persons
13 participating in a work release program or other partial confinement
14 programs at the state, county, or city level which allow regular
15 freedom during the day to pursue rehabilitative community activities
16 such as participation in work, treatment, or medical care should not
17 be considered "inmates of a public institution" for the purposes of
18 exclusion from medicaid coverage under the social security act. The
19 authority is instructed to obtain any permissions from the federal
20 government necessary to confirm this understanding, and report back
21 to the governor and relevant committees of the legislature.

22 **Sec. 6.** RCW 70.48.100 and 2014 c 225 s 105 are each amended to
23 read as follows:

24 (1) A department of corrections or chief law enforcement officer
25 responsible for the operation of a jail shall maintain a jail
26 register, open to the public, into which shall be entered in a timely
27 basis:

28 (a) The name of each person confined in the jail with the hour,
29 date and cause of the confinement; and

30 (b) The hour, date and manner of each person's discharge.

31 (2) Except as provided in subsection (3) of this section, the
32 records of a person confined in jail shall be held in confidence and
33 shall be made available only to criminal justice agencies as defined
34 in RCW 43.43.705; or

35 (a) For use in inspections made pursuant to RCW 70.48.070;

36 (b) In jail certification proceedings;

37 (c) For use in court proceedings upon the written order of the
38 court in which the proceedings are conducted;

1 (d) To the Washington association of sheriffs and police chiefs;
2 (e) To the Washington institute for public policy, research and
3 data analysis division of the department of social and health
4 services, higher education institutions of Washington state,
5 Washington state health care authority, state auditor's office,
6 caseload forecast council, office of financial management, or the
7 successor entities of these organizations, for the purpose of
8 research in the public interest. Data disclosed for research purposes
9 must comply with relevant state and federal statutes; ((e))
10 (f) To federal, state, or local agencies to determine eligibility
11 for services such as medical, mental health, chemical dependency
12 treatment, or veterans' services, and to allow for the provision of
13 treatment to inmates during their stay or after release. Records
14 disclosed for eligibility determination or treatment services must be
15 held in confidence by the receiving agency, and the receiving agency
16 must comply with all relevant state and federal statutes regarding
17 the privacy of the disclosed records; or
18 (g) Upon the written permission of the person.
19 (3)(a) Law enforcement may use booking photographs of a person
20 arrested or confined in a local or state penal institution to assist
21 them in conducting investigations of crimes.
22 (b) Photographs and information concerning a person convicted of
23 a sex offense as defined in RCW 9.94A.030 may be disseminated as
24 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540,
25 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter
26 3, Laws of 1990.
27 (4) Any jail that provides inmate records in accordance with
28 subsection (2) of this section is not responsible for any unlawful
29 secondary dissemination of the provided inmate records.

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