
SUBSTITUTE HOUSE BILL 1348

State of Washington

67th Legislature

2021 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley, and Harris)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the provision of medical assistance to
2 incarcerated persons; amending RCW 74.09.670; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Having access to same day and next day physical and
7 behavioral health services is imperative to facilitate successful
8 reentry for individuals releasing from jails;

9 (b) The overwhelming majority of individuals in jails are
10 incarcerated for less than 30 days;

11 (c) Suspending medicaid for individuals on short-term jail stays
12 causes significant delays in medicaid reinstatement upon release; and

13 (d) Delays in medicaid reinstatement impede access to physical
14 and behavioral health appointments and prescription medications upon
15 release.

16 (2) The legislature intends to facilitate successful jail reentry
17 by not suspending medicaid for individuals who are incarcerated for
18 less than 30 days.

19 **Sec. 2.** RCW 74.09.670 and 2016 c 154 s 2 are each amended to
20 read as follows:

1 ~~((The))~~ (1) Except as provided in subsection (2) of this section,
2 the authority ~~((is directed to))~~ shall suspend, rather than
3 terminate, medical assistance benefits ~~((by July 1, 2017,))~~ for
4 persons who are incarcerated or committed to a state hospital. This
5 must include the ability for a person to apply for medical assistance
6 in suspense status during incarceration, and may not depend upon
7 knowledge of the release date of the person. ~~((The authority must~~
8 ~~provide a progress report describing program design and a detailed~~
9 ~~fiscal estimate to the governor and relevant committees of the~~
10 ~~legislature by December 1, 2016.))~~

11 (2) (a) During the first 29 days of a person's incarceration in a
12 correctional institution, as defined in RCW 9.94.049:

13 (i) A person's incarceration status may not affect the person's
14 enrollment in medical assistance if the person was enrolled in
15 medical assistance at the time of incarceration; and

16 (ii) A person not enrolled in medical assistance at the time of
17 incarceration must have the ability to apply for medical assistance
18 during incarceration, which may not depend on knowledge of the
19 release date of the person. If the person is enrolled in medical
20 assistance during the first 29 days of the person's incarceration,
21 the person's incarceration status may not affect the person's
22 enrollment in medical assistance.

23 (b) After the first 29 days of the person's incarceration, the
24 person's medical assistance status is subject to suspension or
25 application in suspense status under subsection (1) of this section.

26 NEW SECTION. Sec. 3. The health care authority is authorized to
27 seek any necessary state plan amendments or waivers from the federal
28 department of health and human services that are necessary to
29 implement section 2 of this act.

30 NEW SECTION. Sec. 4. If any part of this act is found to be in
31 conflict with federal requirements that are a prescribed condition to
32 the allocation of federal funds to the state, the conflicting part of
33 this act is inoperative solely to the extent of the conflict and with
34 respect to the agencies directly affected, and this finding does not
35 affect the operation of the remainder of this act in its application
36 to the agencies concerned. Rules adopted under this act must meet

1 federal requirements that are a necessary condition to the receipt of
2 federal funds by the state.

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