
SUBSTITUTE SENATE BILL 5128

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Hasegawa, Nobles, Saldaña, Valdez, and Wellman)

READ FIRST TIME 01/30/25.

1 AN ACT Relating to medical services for individuals in juvenile
2 detention facilities; amending RCW 74.09.555 and 71.24.715;
3 reenacting and amending RCW 74.09.670; creating new sections; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 74.09.670 and 2021 c 243 s 2 and 2021 c 166 s 2 are
7 each reenacted and amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, when
9 the authority receives information that a person enrolled in medical
10 assistance is confined in a setting in which federal financial
11 participation is disallowed by the state's agreements with the
12 federal government, the authority shall suspend, rather than
13 terminate, medical assistance benefits for these persons, including
14 those who are ~~((incarcerated))~~: Incarcerated in a correctional
15 ~~((institution))~~ facility as defined in RCW ~~((9.94.049,))~~ 72.09.015
16 and 70.48.020, confined in an institution or facility operated by the
17 department of children, youth, and families, or committed to a state
18 hospital or other treatment facility. A person who is not currently
19 enrolled in medical assistance must be allowed to apply for medical
20 assistance in suspense status during confinement, and the ability to

1 apply may not depend upon knowledge of the release or discharge date
2 of the person.

3 (2) (a) During the first 29 days of a person's incarceration or
4 confinement in a correctional (~~(institution)~~) facility, as defined in
5 RCW (~~(9.94.049)~~) 72.09.015 and 70.48.020, or in an institution or
6 facility operated by the department of children, youth, and families:

7 (i) A person's incarceration or confinement status may not affect
8 the person's enrollment in medical assistance if the person was
9 enrolled in medical assistance at the time of incarceration or
10 confinement; and

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

19 (b) After the first 29 days of the person's incarceration or
20 confinement, the person's medical assistance status is subject to
21 suspension or application in suspense status under subsection (1) of
22 this section.

23 **Sec. 2.** RCW 74.09.555 and 2021 c 243 s 3 are each amended to
24 read as follows:

25 (1) The authority shall adopt rules and policies providing that
26 when persons who were enrolled in medical assistance immediately
27 prior to confinement, or who become enrolled in medical assistance in
28 suspense status during the period of confinement, are released from
29 confinement, their medical assistance coverage shall be fully
30 reinstated no later than at the moment of their release, subject to
31 any expedited review of their continued eligibility for medical
32 assistance coverage that is required under federal or state law. The
33 authority may reinstate medical assistance prior to the day of
34 release provided that no federal funds are expended for any purpose
35 that is not authorized by the state's agreements with the federal
36 government.

37 (2) The authority, in collaboration with the Washington
38 association of sheriffs and police chiefs, the department of
39 corrections, the department of children, youth, and families, managed

1 care organizations, and behavioral health administrative services
2 organizations, shall establish procedures for coordination between
3 the authority and department field offices, institutions for mental
4 disease, ~~((and))~~ correctional ~~((institutions))~~ facilities, as defined
5 in RCW ~~((9.94.049,))~~ 72.09.015 and 70.48.020, and institutions or
6 facilities operated by the department of children, youth, and
7 families, that result in prompt reinstatement of eligibility and
8 speedy eligibility determinations for medical assistance services
9 upon release from confinement. Procedures developed under this
10 subsection must address:

11 (a) Mechanisms for receiving medical assistance services
12 applications on behalf of confined persons in anticipation of their
13 release from confinement;

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

17 (c) Mechanisms for providing medical assistance services identity
18 cards to persons eligible for medical assistance services before
19 their release from confinement;

20 (d) Coordination with the federal social security administration,
21 through interagency agreements or otherwise, to expedite processing
22 of applications for federal supplemental security income or social
23 security disability benefits, including federal acceptance of
24 applications on behalf of confined persons; and

25 (e) Assuring that notification of the person's release date,
26 current location, and other appropriate information is provided to
27 the person's managed care organization before the person's scheduled
28 release from confinement, or as soon as practicable thereafter.

29 (3) Where medical or psychiatric examinations during a person's
30 confinement indicate that the person is disabled, the correctional
31 ~~((institution—or))~~ facility, institution for mental diseases, or
32 institution or facility operated by the department of children,
33 youth, and families, shall provide the authority with that
34 information for purposes of making medical assistance eligibility and
35 enrollment determinations prior to the person's release from
36 confinement. The authority shall, to the maximum extent permitted by
37 federal law, use the examination in making its determination whether
38 the person is disabled and eligible for medical assistance.

39 (4) For purposes of this section, "confined" or "confinement"
40 means incarcerated in a correctional ~~((institution))~~ facility, as

1 defined in RCW (~~(9.94.049,)~~) 72.09.015 and 70.48.020, held in an
2 institution or facility operated by the department of children,
3 youth, and families, or admitted to an institute for mental disease,
4 as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

5 (5) The economic services administration within the department
6 shall adopt standardized statewide screening and application
7 practices and forms designed to facilitate the application of a
8 confined person for medicaid.

9 **Sec. 3.** RCW 71.24.715 and 2021 c 243 s 4 are each amended to
10 read as follows:

11 (1) The health care authority shall apply for a waiver allowing
12 the state to provide medicaid services to persons who are confined in
13 a correctional (~~(institution)~~) facility as defined in RCW (~~(9.94.049~~
14 ~~or confined in)~~) 72.09.015 and 70.48.020, institution or facility
15 operated by the department of children, youth, and families, or a
16 state hospital or other treatment facility up to 30 days prior to the
17 person's release or discharge to the community. The purpose is to
18 create continuity of care and provide reentry services.

19 (2) The health care authority shall consult with the work group
20 established under RCW 71.24.710 about how to optimize the waiver
21 application and its chance of success, including by limiting its
22 scope if deemed appropriate.

23 (3) The health care authority shall inform the governor and
24 relevant committees of the legislature in writing when the waiver
25 application is submitted and update them as to progress of the waiver
26 at appropriate points.

27 (4) No provision of this section may be interpreted to require
28 the health care authority to provide medicaid services to persons who
29 are confined in a correctional (~~(institution)~~) facility, state
30 hospital, or other treatment facility up to 30 days prior to the
31 person's release or discharge unless the health care authority
32 obtains final approval for its waiver application from the centers
33 for medicare and medicaid services.

34 NEW SECTION. **Sec. 4.** The health care authority shall
35 collaborate with managed care organizations, the reentry services
36 work group established under RCW 71.24.710, the department of
37 children, youth, and families, and detention facilities, as defined
38 in RCW 13.40.020, to implement section 5121 of the consolidated

1 appropriations act of 2023 (P.L. 117-328) that requires the provision
2 of:

3 (1) Screening and diagnostic services to eligible juveniles in
4 the 30 days prior to release, or not later than one week or as soon
5 as practicable after release; and

6 (2) Targeted case management services for a minimum of 30 days
7 prior to release and for at least 30 days or as medically necessary
8 following release to connect juveniles with services and providers in
9 the geographic area where the eligible juvenile will be residing upon
10 release, when possible.

11 NEW SECTION. **Sec. 5.** The health care authority shall leverage
12 existing resources, development plans, and funding as part of its
13 other medical assistance programs, including the section 1115
14 demonstration waiver and reentry services initiative approved by the
15 federal department of health and human services on June 30, 2023.

16 NEW SECTION. **Sec. 6.** By December 1, 2025, and in compliance
17 with RCW 43.01.036, the health care authority shall submit a report
18 to the governor and the legislature on:

19 (1) The status of the authority's operational plan to implement
20 section 5121 of the consolidated appropriations act of 2023 (P.L.
21 117-328); and

22 (2) A summary of the authority's collaboration efforts with
23 managed care organizations, the department of children, youth, and
24 families, and detention facilities as defined in RCW 13.40.020, and
25 the identification of any barriers or challenges to providing
26 services to eligible juveniles across the state.

27 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act expire
28 July 1, 2026.

29 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
30 conflict with federal requirements that are a prescribed condition to
31 the allocation of federal funds to the state, the conflicting part of
32 this act is inoperative solely to the extent of the conflict and with
33 respect to the agencies directly affected, and this finding does not
34 affect the operation of the remainder of this act in its application
35 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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