
SENATE BILL 5128

State of Washington

69th Legislature

2025 Regular Session

By Senators C. Wilson, Hasegawa, Nobles, Saldaña, Valdez, and Wellman

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1 AN ACT Relating to the provision of medical assistance to
2 individuals in juvenile detention facilities; amending RCW 74.09.555
3 and 9.94.049; reenacting and amending RCW 74.09.670; creating new
4 sections; and 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 as defined in RCW 9.94.049, confined in an institution or
16 facility operated by the department of children, youth, and families,
17 confined in a county juvenile detention facility, or committed to a
18 state hospital or other treatment facility. A person who is not
19 currently enrolled in medical assistance must be allowed to apply for
20 medical assistance in suspense status during confinement, and the

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

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

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

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

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

24 (3) "Detention facility" has the same meaning as defined in RCW
25 13.40.020.

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

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

1 (2) The authority, in collaboration with the Washington
2 association of sheriffs and police chiefs, the department of
3 corrections, the department of children, youth, and families, managed
4 care organizations, county juvenile detention facilities, and
5 behavioral health administrative services organizations, shall
6 establish procedures for coordination between the authority and
7 department field offices, institutions for mental disease, (~~and~~)
8 correctional institutions, as defined in RCW 9.94.049, institutions
9 or facilities operated by the department of children, youth, and
10 families, and county juvenile detention facilities, that result in
11 prompt reinstatement of eligibility and speedy eligibility
12 determinations for medical assistance services upon release from
13 confinement. Procedures developed under this subsection must address:

14 (a) Mechanisms for receiving medical assistance services
15 applications on behalf of confined persons in anticipation of their
16 release from confinement;

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

20 (c) Mechanisms for providing medical assistance services identity
21 cards to persons eligible for medical assistance services before
22 their release from confinement;

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

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

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

1 determination whether the person is disabled and eligible for medical
2 assistance.

3 (4) For purposes of this section, "confined" or "confinement"
4 means incarcerated in a correctional institution, as defined in RCW
5 9.94.049, held in an institution or facility operated by the
6 department of children, youth, and families or a county juvenile
7 detention facility, or admitted to an institute for mental disease,
8 as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

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

13 **Sec. 3.** RCW 9.94.049 and 2021 c 243 s 5 are each amended to read
14 as follows:

15 (1) For the purposes of this chapter, the term "correctional
16 institution" means any place designated by law for the keeping of
17 persons held in custody under process of law, or under lawful arrest,
18 including state prisons, county and local jails, (~~juvenile detention~~
19 ~~centers,~~) and other facilities operated by the department of
20 corrections (~~(, department of children, youth, and families,)~~) or
21 local governmental units primarily for the purposes of punishment,
22 correction, or rehabilitation following conviction (~~(or~~
23 ~~adjudication)~~) of a criminal offense.

24 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state
25 correctional institution" means all state correctional facilities
26 under the supervision of the secretary of the department of
27 corrections used solely for the purpose of confinement of convicted
28 felons.

29 NEW SECTION. **Sec. 4.** The health care authority shall
30 collaborate with managed care organizations, the department of
31 children, youth, and families, and detention facilities, as defined
32 in RCW 13.40.020, to implement section 5121 of the Consolidated
33 Appropriations Act of 2023 (Public Law 117-328) that requires the
34 provision of:

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

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

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

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

14 (1) The status of the authority's operational plan to implement
15 section 5121 of the Consolidated Appropriations Act of 2023 (Public
16 Law 117-328);

17 (2) A summary of the authority's collaboration efforts with
18 managed care organizations, the department of children, youth, and
19 families, and detention facilities as defined in RCW 13.40.020, and
20 the identification of any barriers or challenges to providing
21 services to eligible juveniles across the state; and

22 (3) The feasibility of providing coverage for optional services
23 under section 5122 of the Consolidated Appropriations Act of 2023
24 (Public Law 117-328) for the full period of incarceration pending
25 disposition of charges.

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

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