



Hundredth Legislature - First Session - 2007
Committee Statement
LB 666

Hearing Date: February 21, 2007
Committee On: Health and Human Services

Introducer(s): (Pedersen)

Title: Provide for eligibility for certain federal programs upon release from incarceration as prescribed

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Johnson, Erdman, Gay, Pankonin, Stuthman
2	No	Senators Hansen, Howard
	Present, not voting	
	Absent	

Proponents:

Senator Pedersen
Amy Miller
Lisa Rechwaldt Alexander
Brad Meurrens
Susan Smith

Representing:

Introducer
ACLU Nebraska
Self
Nebraska Advocacy Services Inc.
Self

Opponents:

Jon Edwards
Rich Boucher
Mary Steiner

Representing:

NACO
Nebraska Sheriff's Association
Health and Human Services System

Neutral:

Representing:

Summary of purpose and/or changes:

LB 666 relates to inmates with psychiatric disabilities and eligibility for certain federal assistance programs upon their release from incarceration.

Findings, definitions, purposes (sec. 1-3)

The bill provides legislative findings (sec. 1) and defines terms (sec.3). The purposes of the bill are “to facilitate the community reintegration of individuals with psychiatric disabilities upon release from jail, prison, detention centers, or other correctional facilities, to enhance public safety, and to provide cost-effective care by enabling such individuals to receive benefits speedily upon their release from incarceration” (sec. 2).

The Department of Health and Human Services (department) is required to adopt rules and regulations containing policies and procedures that enable individuals with psychiatric disabilities, upon release from incarceration, to: “(1) Participate in federal benefit programs for which they qualify; (2) Be speedily reinstated or enrolled in federal health benefit programs for which they are eligible; (3) Obtain temporary health care coverage and income support while receipt of federal benefits is pending; and (4) Receive mental health services, including case management, medications, and substance abuse services” (sec. 2)

Restoration of Medicaid, SSI, and SSDI Benefits upon Release from Incarceration (sec. 4-6)

The bill requires the department to adopt and promulgate rules and regulations to ensure that inmates with psychiatric disabilities will have their Medicaid eligibility suspended rather than terminated upon their incarceration, and restored immediately upon their release from incarceration, unless the department determines that they are no longer meet eligibility criteria (sec. 4).

Correctional agencies are required to seek to ensure the speedy restoration of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits of inmates with psychiatric disabilities. The department is required to take certain actions to ensure that SSI or SSDI cash benefits are reinstated in the month of release (sec. 4).

The department is required to establish procedures for receiving Medicaid applications on behalf of incarcerated persons with psychiatric disabilities in anticipation of their release; and to expeditiously review such applications, if possible, before their release. Duties are provided for correctional agencies to ensure that incarcerated persons with psychiatric disabilities begin to receive SSI or SSDI cash benefits for which they are eligible in the month following their release (sec. 5).

Correctional agencies are required to enter into pre-release agreements with the federal Social Security Administration and to otherwise facilitate participation by incarcerated persons with psychiatric disabilities in federal benefit programs upon their release from incarceration (sec. 6). Once negotiated, each pre-release agreement must be implemented as soon as practicable. Competent staff familiar with the characteristics of successful federal program benefits applications are required to ensure that proper applications are filed and updated as needed. Such staff may be provided through contracts with local mental health agencies or providers. With the applicant’s permission, a copy of each application must be provided to a family member designated by the applicant and to any mental health case manager who will work with the incarcerated person upon release. Permission to provide a copy to a parent is not required in the case of a minor under sixteen years of age (sec. 6).

Temporary Medicaid Eligibility and Temporary Income Support (sec. 7-8)

Persons with psychiatric disabilities must be offered temporary Medicaid eligibility and temporary income support when released from incarceration while their applications for federal benefits are pending. The department is required to administer the temporary Medicaid eligibility program and administer the temporary income support program. Requirements for an inmate with psychiatric disabilities to qualify for a temporary Medicaid card upon release are provided.

An application process is prescribed. If the applicant qualifies for a temporary Medicaid card, he or she is entitled to receive covered Medicaid services from certified Medicaid providers for a period of six months. The six-month period may be renewed at the option of the department. The state may not recover any costs from the holder of a temporary Medicaid card (sec. 7).

An inmate with a psychiatric disability will be qualified for temporary income support upon release from incarceration under certain conditions. An inmate with a psychiatric disability may apply for temporary income support while incarcerated or within three months after release. The department must act on the application within fourteen days of submission. Temporary income support will be paid monthly for six months in an amount equal to the basic Nebraska SSI payment. The six-month period may be renewed at the option of the department. To the extent permitted by federal law, the state may recover the temporary income support from SSI or SSDI back benefits issued by the federal Social Security Administration. The state is prohibited from recovering any payments of temporary income support from the recipient (sec. 8).

Photo Identification Upon Release (sec. 9)

The bill requires correctional agencies to arrange for inmates with psychiatric disabilities to have photo identification upon their release from incarceration. The department must ensure that inmates receive a photo identification card before or immediately upon release. The photo identification card may not disclose the person's incarceration or criminal record and must list an address other than a correctional facility.

Agency Duties and Inmate Entitlements (sec. 10)

The Department of Correctional Services is responsible for the provision of mental health services for inmates with psychiatric disabilities. The Department of Health and Human Services is responsible for the provision of mental health services for persons with psychiatric disabilities in juvenile correctional facilities, jail, or juvenile detention facilities. The Department of Health and Human Services Finance and Support is responsible for the provision of the case management services. The Department of Health and Human Services Finance and Support may arrange for services to be provided through contracts with community mental health agencies or community mental health providers.

Incarcerated persons with psychiatric disabilities must have access to medically necessary mental health services, including substance abuse and crisis services. At the time of their release, they must be provided a thirty-day supply of any psychiatric medications they were taking prior to release.

Incarcerated persons with psychiatric disabilities must be given access upon release to Medicaid services. The Department of Health and Human Services Finance and Support is required to provide necessary case management services in advance of release and if possible, at least ninety days before release, to identify desired services and supports upon their return to community living. Additional case manager duties are provided.

Medicaid State Plan Amendments (sec. 11)

The department is required to apply for any necessary Medicaid state plan amendments to implement the bill.

Explanation of amendments, if any:

