

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 12

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to medicaid; to provide for suspension of
- 2 medical assistance for inmates of public institutions as prescribed;
- 3 and to provide duties for state and local agencies as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) It is the intent of the Legislature to ensure that
2 human services agencies, correctional facilities, and detention
3 facilities recognize that:

4 (a) Federal law generally does not authorize federal financial
5 participation for medicaid when a person is an inmate of a public
6 institution as defined in federal law but that federal financial
7 participation is available after an inmate is released from
8 incarceration; and

9 (b) The fact that an applicant is currently an inmate does not, in
10 and of itself, preclude the Department of Health and Human Services from
11 processing an application submitted to it by, or on behalf of, the
12 inmate.

13 (2)(a) Medical assistance under the medical assistance program shall
14 be suspended, rather than canceled or terminated, for a person who is an
15 inmate of a public institution if:

16 (i) The Department of Health and Human Services is notified of the
17 person's entry into the public institution;

18 (ii) On the date of entry, the person was enrolled in the medical
19 assistance program; and

20 (iii) The person is eligible for the medical assistance program
21 except for institutional status.

22 (b) A suspension under subdivision (2)(a) of this section shall end
23 on the date the person is no longer an inmate of a public institution or
24 one year after the date the person becomes an inmate of a public
25 institution, whichever is sooner.

26 (c) Upon release from incarceration, such person shall continue to
27 be eligible for receipt of medical assistance until such time as the
28 person is otherwise determined to no longer be eligible for the medical
29 assistance program.

30 (3)(a) The Department of Correctional Services shall notify the
31 Department of Health and Human Services:

1 (i) Within twenty days after receiving information that a person
2 receiving medical assistance under the medical assistance program is or
3 will be an inmate of a public institution; and

4 (ii) Within forty-five days prior to the release of a person who
5 qualified for suspension under subdivision (2)(a) of this section.

6 (b) Local correctional facilities, juvenile detention facilities,
7 and other temporary detention centers shall notify the Department of
8 Health and Human Services within ten days after receiving information
9 that a person receiving medical assistance under the medical assistance
10 program is or will be an inmate of a public institution.

11 (4) Nothing in this section shall create a state-funded benefit or
12 program.

13 (5) For purposes of this section, medical assistance program means
14 the medical assistance program under the Medical Assistance Act and the
15 State Children's Health Insurance Program.

16 (6) This section shall be implemented only if, and to the extent,
17 allowed by federal law. This section shall be implemented only to the
18 extent that any necessary federal approval of state plan amendments or
19 other federal approvals are obtained. The Department of Health and Human
20 Services shall seek such approval if required.

21 (7) Local correctional facilities, the Nebraska Commission on Law
22 Enforcement and Criminal Justice, and the Office of Probation
23 Administration shall cooperate with the Department of Health and Human
24 Services and the Department of Correctional Services for the purposes of
25 facilitating information sharing to achieve the purposes of this section.

26 (8)(a) The Department of Correctional Services shall adopt and
27 promulgate rules and regulations, in consultation with the Department of
28 Health and Human Services and local correctional facilities, to carry out
29 this section.

30 (b) The Department of Health and Human Services shall adopt and
31 promulgate rules and regulations, in consultation with the Department of

- 1 Correctional Services and local correctional facilities, to carry out
- 2 this section.