

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 7

Introduced by Krist, 10.

Read first time January 05, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to jails and correctional facilities; to amend
- 2 section 47-706, Revised Statutes Cumulative Supplement, 2016; to
- 3 provide for suspension of medical assistance for detainees in public
- 4 institutions as prescribed; to harmonize provisions; and to repeal
- 5 the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-706, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 47-706 (1) It is the intent of the Legislature to ensure that human
4 services agencies, correctional facilities, and detention facilities
5 recognize that:

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

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

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

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

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

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

24 (b) A suspension under subdivision (2)(a) of this section shall end
25 on the date the person is no longer an inmate of or a detainee in a
26 public institution.

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

31 (3)(a) The Department of Correctional Services shall notify the

1 Department of Health and Human Services:

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

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

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

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

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

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

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

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

31 (b) The Department of Health and Human Services shall adopt and

1 promulgate rules and regulations, in consultation with the Department of
2 Correctional Services and local correctional facilities, to carry out
3 this section.

4 Sec. 2. Original section 47-706, Revised Statutes Cumulative
5 Supplement, 2016, is repealed.