
SUBSTITUTE SENATE BILL 6584

State of Washington 60th Legislature 2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Brandland and Hargrove)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to facilitating continuity of medical assistance
2 for persons confined in correctional institutions and institutions for
3 mental diseases; amending RCW 74.08.025, 74.08.060, 74.09.010,
4 74.09.555, and 72.09.380; adding a new section to chapter 74.09 RCW;
5 and providing an effective date.

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

7 **Sec. 1.** RCW 74.08.025 and 2005 c 174 s 2 are each amended to read
8 as follows:

9 (1) Public assistance may be awarded to any applicant:

10 (a) Who is in need and otherwise meets the eligibility requirements
11 of department assistance programs; and

12 (b) Who has not made a voluntary assignment of property or cash for
13 the purpose of qualifying for an assistance grant(~~(+and)~~).

14 (~~(c) Who is not~~) (2) A person who is an inmate of a public
15 institution except as a patient in a medical institution or except as
16 an inmate in a public institution who could qualify for federal aid
17 assistance(~~(+PROVIDED, That)~~) shall not receive public assistance
18 benefits while he or she is an inmate of a public institution, except
19 as otherwise provided by state law. A person who is placed on home

1 monitoring is not an inmate of a public institution under this
2 subsection, and is not prohibited from receiving public assistance
3 benefits on that basis.

4 (3) The assistance paid by the department to recipients in nursing
5 homes, or receiving nursing home care, may cover the cost of clothing
6 and incidentals and general maintenance exclusive of medical care and
7 health services. The department may pay a grant to cover the cost of
8 clothing and personal incidentals in public or private medical
9 institutions and institutions for tuberculosis. The department shall
10 allow recipients in nursing homes to retain, in addition to the grant
11 to cover the cost of clothing and incidentals, wages received for work
12 as a part of a training or rehabilitative program designed to prepare
13 the recipient for less restrictive placement to the extent permitted
14 under Title XIX of the federal social security act.

15 ~~((+2))~~ (4) Any person otherwise qualified for temporary assistance
16 for needy families under this title who has resided in the state of
17 Washington for fewer than twelve consecutive months immediately
18 preceding application for assistance is limited to the benefit level in
19 the state in which the person resided immediately before Washington,
20 using the eligibility rules and other definitions established under
21 this chapter, that was obtainable on the date of application in
22 Washington state, if the benefit level of the prior state is lower than
23 the level provided to similarly situated applicants in Washington
24 state. The benefit level under this subsection shall be in effect for
25 the first twelve months a recipient is on temporary assistance for
26 needy families in Washington state.

27 ~~((+3))~~ (5) Any person otherwise qualified for temporary assistance
28 for needy families who is assessed through the state alcohol and
29 substance abuse program as drug or alcohol-dependent and requiring
30 treatment to become employable shall be required by the department to
31 participate in a drug or alcohol treatment program as a condition of
32 benefit receipt.

33 ~~((+4))~~ (6) Pursuant to 21 U.S.C. 862a(d)(1), the department shall
34 exempt individuals from the eligibility restrictions of 21 U.S.C.
35 862a(a)(1) and (2) to ensure eligibility for temporary assistance for
36 needy families benefits and federal food assistance.

1 **Sec. 2.** RCW 74.08.060 and 1985 c 335 s 4 are each amended to read
2 as follows:

3 The department shall ~~((be required to))~~ approve or deny the
4 application within forty-five days after ~~((the))~~ filing ~~((thereof))~~ and
5 shall immediately notify the applicant in writing of its decision~~((+~~
6 ~~PROVIDED, That))~~. If the department is not able within forty-five
7 days, despite due diligence, to secure all information necessary to
8 establish ~~((his))~~ eligibility, the department ~~((is charged to)) shall~~
9 continue to secure such information and if such information, when
10 established, makes the applicant eligible, the department shall pay
11 ~~((his)) the~~ grant from date of authorization or forty-five days after
12 date of application whichever is sooner.

13 This rule shall not prevent an inmate of a Washington state
14 correctional institution who does not have an established release date
15 from applying for medical assistance.

16 Any person currently ineligible, who will become eligible after the
17 occurrence of a specific event, may apply for assistance within forty-
18 five days of that event.

19 The department is authorized, in respect to work requirements, to
20 provide employment and training services, including job search, job
21 placement, work orientation, and necessary support services to verify
22 eligibility.

23 **Sec. 3.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as
24 follows:

25 As used in this chapter:

26 (1) "Children's health program" means the health care services
27 program provided to children under eighteen years of age and in
28 households with incomes at or below the federal poverty level as
29 annually defined by the federal department of health and human services
30 as adjusted for family size, and who are not otherwise eligible for
31 medical assistance or the limited casualty program for the medically
32 needy.

33 (2) ~~(("Committee" means the children's health services committee~~
34 ~~created in section 3 of this act.))~~ "Correctional institution" means
35 any place designated by law for the keeping of persons held in custody
36 under process of law, or under lawful arrest, including state prisons,
37 county and local jails, and other facilities operated by the department

1 of corrections, the department of social and health services juvenile
2 rehabilitation administration, or local governmental units primarily
3 for the purposes of punishment, correction, or rehabilitation following
4 conviction of a criminal offense.

5 (3) "County" means the board of county commissioners, county
6 council, county executive, or tribal jurisdiction, or its designee. A
7 combination of two or more county authorities or tribal jurisdictions
8 may enter into joint agreements to fulfill the requirements of RCW
9 74.09.415 through 74.09.435.

10 (4) "Department" means the department of social and health
11 services.

12 (5) "Department of health" means the Washington state department of
13 health created pursuant to RCW 43.70.020.

14 (6) "Institution for mental diseases" means a hospital, nursing
15 facility, or other institution of more than sixteen beds that is
16 primarily engaged in providing diagnosis, treatment, or care of persons
17 with mental diseases, including medical attention, nursing care, and
18 related services, which would be excluded from federal financial
19 participation in expenditure for services under federal law.

20 (7) "Internal management" means the administration of medical
21 assistance, medical care services, the children's health program, and
22 the limited casualty program.

23 ~~((+7))~~ (8) "Limited casualty program" means the medical care
24 program provided to medically needy persons as defined under Title XIX
25 of the federal social security act, and to medically indigent persons
26 who are without income or resources sufficient to secure necessary
27 medical services.

28 ~~((+8))~~ (9) "Medical assistance" means the federal aid medical care
29 program provided to categorically needy persons as defined under Title
30 XIX of the federal social security act.

31 ~~((+9))~~ (10) "Medical care services" means the limited scope of
32 care financed by state funds and provided to general assistance
33 recipients, and recipients of alcohol and drug addiction services
34 provided under chapter 74.50 RCW.

35 ~~((+10))~~ (11) "Nursing home" means nursing home as defined in RCW
36 18.51.010.

37 ~~((+11))~~ (12) "Poverty" means the federal poverty level determined

1 annually by the United States department of health and human services,
2 or successor agency.

3 ~~((+12+))~~ (13) "Secretary" means the secretary of social and health
4 services.

5 ~~((+13+))~~ (14) "Full benefit dual eligible beneficiary" means an
6 individual who, for any month: Has coverage for the month under a
7 medicare prescription drug plan or medicare advantage plan with part D
8 coverage; and is determined eligible by the state for full medicaid
9 benefits for the month under any eligibility category in the state's
10 medicaid plan or a section 1115 demonstration waiver that provides
11 pharmacy benefits.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW
13 to read as follows:

14 (1) An individual who is receiving medical assistance benefits at
15 the time he or she becomes confined in a Washington state correctional
16 institution or Washington state institution for mental diseases shall
17 not be terminated from medical assistance on the basis of confinement.
18 Medical assistance to that individual shall be suspended during the
19 period of confinement in the following manner:

20 (a) No medical assistance benefits shall be paid to the individual
21 while he or she is in confinement, except as explicitly authorized by
22 state law.

23 (b) Upon the individual's release from confinement, medical
24 assistance benefits for the individual shall be immediately resumed.
25 No new application is required to effectuate resumption of medical
26 assistance.

27 (c) The individual is not required to recertify eligibility for
28 medical assistance during the period in which he or she is confined.

29 (i) If the individual is confined at the time at which he or she
30 would otherwise be required to recertify eligibility for medical
31 assistance, the department may allow the individual to recertify
32 eligibility prior to release from confinement, or may require the
33 individual to recertify eligibility immediately following release, or
34 at any later time established by rule.

35 (ii) The department shall explore the feasibility of obtaining a
36 medicaid state plan amendment to allow the state to receive medicaid

1 matching funds for medical assistance provided to an individual during
2 the period in which recertification of eligibility is pending under
3 (c)(i) of this subsection.

4 (d) The department may terminate medical assistance to a person who
5 is released from confinement to an address outside of the state of
6 Washington, or to an individual who receives medical assistance based
7 on the children's health program who ages out of the program during the
8 period of confinement.

9 (e) The department shall collaborate with the Washington
10 association of sheriffs and police chiefs, the department of
11 corrections, the regional support networks, department field offices,
12 institutions for mental diseases, and correctional institutions to
13 establish policies and procedures that will facilitate speedy
14 notification of the department when an individual enrolled in medical
15 assistance is confined in a Washington state correctional institution
16 or Washington state institution for mental diseases, or is released
17 from confinement. The department shall adopt policies which promote
18 continuity of medical assistance for such individuals, and make efforts
19 to inform individuals in confinement about suspension of medical
20 assistance and any applicable recertification requirement upon release.

21 (f) To the extent funding is provided for this purpose, the
22 department shall expedite processing of applications for federal
23 supplemental security income or social security disability benefits for
24 individuals whose medical assistance benefits are suspended under this
25 section.

26 (2)(a) The department shall consider an application for medical
27 assistance from an individual who is confined in a Washington state
28 correctional institution or Washington state institution for mental
29 diseases if:

30 (i) The individual does not have an established final release date
31 because the individual has not yet been tried or sentenced in a
32 criminal case; or

33 (ii) The individual is scheduled to be released from confinement
34 within the next four months.

35 (b) The department shall approve or deny an application for medical
36 assistance from a confined individual within forty-five days after
37 filing thereof and shall immediately notify the applicant in writing of
38 its decision. If the department is unable despite due diligence to

1 secure necessary information to establish eligibility within forty-five
2 days, the department shall continue to secure such information for a
3 reasonable period. If the department determines that the applicant
4 would be eligible for medical assistance except for the fact of
5 confinement, the department shall approve the application, and medical
6 assistance for the individual shall be suspended as described in
7 subsection (1) of this section. No benefits shall be paid to the
8 individual prior to release from confinement, except as explicitly
9 authorized by law.

10 (c) In reviewing an application for medical assistance under this
11 subsection, the department shall include in its consideration evidence
12 of any medical evaluation performed within one year of the date of
13 application. If insufficient evidence is available upon which to make
14 a determination, the department shall arrange for an evaluation to be
15 performed consistent with RCW 74.09.075.

16 (3) The department is authorized to make rules necessary to
17 implement this section.

18 **Sec. 5.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to read
19 as follows:

20 (1) The department shall adopt rules and policies providing that
21 when persons with a mental disorder, who were enrolled in medical
22 assistance immediately prior to confinement, are released from
23 confinement, their medical assistance coverage will be fully reinstated
24 on the day of their release(~~(, subject to any expedited review of their~~
25 ~~continued eligibility for medical assistance coverage that is required~~
26 ~~under federal or state law))~~).

27 (2) The department, in collaboration with the Washington
28 association of sheriffs and police chiefs, the department of
29 corrections, and the regional support networks, shall establish
30 procedures for coordination between department field offices,
31 institutions for mental diseases, and correctional institutions, (~~as~~
32 ~~defined in RCW 9.94.049,~~) that result in (~~prompt reinstatement of~~
33 ~~eligibility and~~) speedy eligibility determinations for persons who are
34 likely to be eligible for medical assistance services (~~upon release~~
35 ~~from confinement~~). Procedures developed under this subsection must
36 address:

1 (a) Mechanisms for receiving applications for medical assistance
2 (~~services applications~~) on behalf of confined persons in anticipation
3 of their release from confinement;

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

7 (c) Mechanisms for providing medical assistance (~~services~~)
8 identity cards to persons eligible for medical assistance services
9 immediately upon or prior to their release from confinement; and

10 (d) Coordination with the federal social security administration,
11 through interagency agreements or otherwise, to expedite processing of
12 applications for federal supplemental security income or social
13 security disability benefits, including federal acceptance of
14 applications on behalf of confined persons.

15 (3) Where medical or psychiatric examinations during a person's
16 confinement indicate that the person is disabled, the correctional
17 institution or institution for mental diseases shall provide the
18 department with that information for purposes of making medical
19 assistance eligibility and enrollment determinations prior to the
20 person's release from confinement. The department shall, to the
21 maximum extent permitted by federal law, use the examination in making
22 its determination whether the person is disabled and eligible for
23 medical assistance.

24 (4) For purposes of this section, "confined" or "confinement" means
25 incarcerated in a correctional institution(~~(, as defined in RCW~~
26 ~~9.94.049,)~~) or admitted to an (~~institute~~) institution for mental
27 diseases(~~(, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24,~~
28 ~~2005.~~

29 ~~(5) For purposes of this section, "likely to be eligible" means~~
30 ~~that a person:~~

31 ~~(a) Was enrolled in medicaid or supplemental security income or~~
32 ~~general assistance immediately before he or she was confined and his or~~
33 ~~her enrollment was terminated during his or her confinement; or~~

34 ~~(b) Was enrolled in medicaid or supplemental security income or~~
35 ~~general assistance at any time during the five years before his or her~~
36 ~~confinement, and medical or psychiatric examinations during the~~
37 ~~person's confinement indicate that the person continues to be disabled~~

1 ~~and the disability is likely to last at least twelve months following~~
2 ~~release)).~~

3 ((+6)) (5) The economic services administration shall adopt
4 standardized statewide screening and application practices and forms
5 designed to facilitate ((the)) applications ((of a)) for medical
6 assistance by persons confined ((~~person who is likely to be eligible~~
7 ~~for medicaid~~)) in a correctional institution or institution for mental
8 diseases.

9 **Sec. 6.** RCW 72.09.380 and 1999 c 214 s 3 are each amended to read
10 as follows:

11 The secretaries of the department of corrections and the department
12 of social and health services shall adopt rules and develop working
13 agreements which will ensure that offenders identified under RCW
14 72.09.370(1) will be assisted in making application for medicaid to
15 facilitate a decision regarding their eligibility for such entitlements
16 prior to the end of their term of confinement in a correctional
17 facility, and to share information regarding the entry and release of
18 offenders for the purpose of implementing section 4 of this act.

19 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect September
20 1, 2009.

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