ASSEMBLY, No. 2667

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

SYNOPSIS

Requires establishment of processes to identify Medicaid-eligible incarcerated individuals who are awaiting pre-trial release determinations, are being released following period of incarceration, or are undergoing inpatient hospital treatment.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning Medicaid coverage for certain qualified individuals, and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The Commissioner of Human Services, in consultation with the Commissioner of Corrections, county welfare agencies, and the county administrators of the county correction facilities, shall establish a process to screen eligible individuals for enrollment in Medicaid following arrest or indictment, while such individuals are awaiting the court's decision governing pre-trial release.

b. The coverage for any qualified individuals enrolled in accordance with the process pursuant to subsection a. of this section shall, to the extent permitted by 42 U.S.C. s.1396d(a)(30)(A) and any other applicable federal law, be suspended during any period of incarceration, and begin upon release from incarceration. For those currently not enrolled in Medicaid, the Department of Human Services shall implement a process to establish Medicaid eligibility so that hospital admissions can be charged to Medicaid. The process shall be authorized for Medicaid-eligible incarcerated individuals who are in an inpatient hospital facility for over 24 hours, pursuant to applicable federal regulations.

c. The screening and enrollment process established pursuant to subsection a. of this section shall also be offered to individuals who are not currently Medicaid eligible and are being released from a State prison or county correctional facility on or after the beginning date of the screening and enrollment process. County correction facilities and the Department of Corrections shall be responsible for assisting released inmates in the Medicaid application process.

2. The Commissioner of Human Services shall, in consultation with the Commissioner of Corrections and the county administrators of the county correctional facilities, coordinate and provide training to hospital eligibility workers, county welfare agency staff, and designated county correctional facility and State prison intake personnel, on the screening and enrollment process to be used for those individuals who are not currently Medicaid eligible.

3. For the purposes of the screening and enrollment process outlined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), the NJ FamilyCare application shall be used by the facility's personnel in conducting the screening and enrollment of eligible individuals.

4. This act shall take effect immediately.

STATEMENT

This bill requires the Commissioner of Human Services, in consultation with the Commissioner of Corrections, county welfare agencies, and the county administrators of the county correction facilities, to establish a process to screen for Medicaid-eligible individuals, following arrest or indictment, who are awaiting a judicial decision governing pre-trial release. The coverage for any qualified individuals enrolled in accordance with this process will be suspended during any period of incarceration, and will begin upon release from incarceration. The NJ FamilyCare application will be used by facility personnel engaged in the screening and enrollment of eligible individuals.

The bill directs that this process for determining Medicaid eligibility also be offered to individuals who are not currently Medicaid-eligible, but who are being released from State prison or a county correctional facility on or after the date that the screening and enrollment process commences. The bill makes the Department of Corrections and county correctional facilities responsible for assisting released inmates in applying for Medicaid.

For incarcerated individuals not currently enrolled in Medicaid, the bill calls for the Department of Human Services to implement a process to establish Medicaid eligibility so that hospital admissions can be charged to Medicaid. The bill authorizes this process for Medicaid-eligible incarcerated individuals who are in an inpatient hospital facility for over 24 hours, pursuant to applicable federal regulations.

The Commissioner of Human Services, in consultation with the Commissioner of Corrections and the county administrators of county correctional facilities, is required by the bill to coordinate and provide training to hospital eligibility workers, county welfare agency staff, and designated county correctional facility and State prison intake personnel, to assist these actors in handling the screening and enrollment process.

Although controlling federal Medicaid law, particularly 42 U.S.C. s.1396d(a)(30)(A), prohibits *coverage* to incarcerated individuals (except as patients in a medical institution), the federal law does not prevent the *enrollment* of those individuals who are otherwise qualified for coverage, which can thereafter take effect upon their release from incarceration.