

SENATE, No. 369

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires DOC to ensure inmates have opportunity to participate in Medicaid pre-enrollment and enrollment sessions at least 60 days prior to release; requires applicable inmates to receive Medicaid card at release.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning Medicaid enrollment procedures for inmates
2 prior to release, and supplementing Title 30 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. The Commissioner of Corrections, in collaboration with
9 the Commissioner of Human Services, county welfare agencies, and
10 the county administrators of the county correctional facilities, shall
11 ensure that an inmate of a State prison or county correctional
12 facility has the opportunity to participate in:

13 (1) a peer-led Medicaid pre-enrollment session at least 60 days
14 prior to the release from the State prison or county correctional
15 facility. The session shall include, at a minimum, information
16 regarding the benefits of Medicaid, the application process, and
17 pertinent differences between the managed care plans available
18 under the program; and

19 (2) an enrollment session no more than five calendar days
20 following the peer-led Medicaid pre-enrollment session required
21 under paragraph (1) of this subsection. During the session, county
22 welfare agency staff or designated State prison or county
23 correctional facility personnel, who have received training from the
24 Department of Human Services regarding the screening and
25 enrollment process for Medicaid, shall provide the inmate with
26 assistance, either in person or via telephone, in completing a
27 Medicaid application.

28 b. The Commissioner of Corrections, in collaboration with the
29 Commissioner of Human Services, county welfare agencies, and the
30 county administrators of the county correctional facilities, shall
31 establish a process by which the Department of Human Services or
32 another Medicaid eligibility determination agency notifies an
33 inmate, who completes a Medicaid application during a Medicaid
34 enrollment session, of the inmate's eligibility determination prior to
35 release from the State prison or county correctional facility and, if
36 applicable, provides the inmate with a Medicaid identification card
37 at the time of release from the State prison or county correctional
38 facility.

39 c. Nothing in this section shall be construed to alter the
40 eligibility standards for medical assistance under the Medicaid
41 program.

42 d. As used in this section, "Medicaid" means the program
43 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

44
45 2. This act shall take effect shall take effect 60 days following
46 the date of enactment.

STATEMENT

This bill implements certain recommendations included in the 2019 New Jersey Reentry Services Commission Report entitled “Barriers, Best Practices, and Action Items for Improving Reentry Services.”

Specifically, the bill directs the Commissioner of Corrections, in collaboration with the Commissioner of Human Services, county welfare agencies, and the county administrators of the county correctional facilities, to ensure that an inmate of a State prison or county correctional facility has the opportunity to participate in:

(1) a peer-led Medicaid pre-enrollment session at least 60 days prior to the release from the State prison or county correctional facility. The session is required to include, at a minimum, information regarding the benefits of Medicaid, the application process, and pertinent differences between the managed care plans available under the program; and

(2) an enrollment session no more than five calendar days following the peer-led Medicaid pre-enrollment session. During the session, county welfare agency staff or designated State prison or county correctional facility personnel, who have received training from the Department of Human Services regarding the screening and enrollment process for Medicaid, are required to provide the inmate with assistance, either in person or via telephone, in completing a Medicaid application.

The Commissioner of Corrections, in collaboration with the Commissioner of Human Services, county welfare agencies, and the county administrators of the county correctional facilities, is also required to establish a process by which the Department of Human Services or another Medicaid eligibility determination agency notifies an inmate, who completes a Medicaid application during a Medicaid enrollment session, of the inmate’s eligibility determination prior to release from the State prison or county correctional facility and, if applicable, provides the inmate with a Medicaid identification card at the time of release from the State prison or county correctional facility.

Although federal Medicaid law, particularly 42 U.S.C. s.1396d(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 the individual’s release from incarceration.