

SENATE, No. 1111

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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.



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

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

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

14 b. The coverage for any qualified individuals enrolled in
15 accordance with the process pursuant to subsection a. of this section
16 shall, to the extent permitted by 42 U.S.C. s.1396d(a)(29)(A) and
17 any other applicable federal law, be suspended during any period of
18 incarceration, and begin upon release from incarceration. For those
19 currently not enrolled in Medicaid, the Department of Human
20 Services shall implement a process to establish Medicaid eligibility
21 so that hospital admissions can be charged to Medicaid. The
22 process shall be authorized for Medicaid-eligible incarcerated
23 individuals who are in an inpatient hospital facility for over 24
24 hours, pursuant to applicable federal regulations.

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

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

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

1 4. This act shall take effect immediately.

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STATEMENT

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

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

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

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

38 Although controlling federal Medicaid law, particularly
39 42 U.S.C. s.1396d(a)(29)(A), prohibits *coverage* to incarcerated
40 individuals (except as patients in a medical institution), the federal law
41 does not prevent the *enrollment* of those individuals who are otherwise
42 qualified for coverage, which can thereafter take effect upon their
43 release from incarceration.