

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 952**

Introduced by Cavanaugh, J., 9.

Read first time January 10, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the medical assistance program; to amend
- 2 section 47-706, Reissue Revised Statutes of Nebraska; to provide
- 3 enrollment for the medical assistance program to inmates prior to
- 4 release from incarceration; to harmonize provisions; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-706, Reissue Revised Statutes of Nebraska, is  
2 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 a public  
8 institution as defined in federal law but that federal financial  
9 participation is available after an inmate is released from  
10 incarceration; and

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

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 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 a public institution.

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

30 (3)(a) The Department of Correctional Services shall notify the  
31 Department of Health and Human Services:

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

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

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

11 (4)(a) For individuals who are inmates of a public institution and  
12 have at least sixty days prior notice of their anticipated release date:

13 (i) The Department of Health and Human Services shall provide onsite  
14 medical assistance program enrollment assistance to each inmate at least  
15 sixty days before the inmate's release from a public institution. The  
16 department shall submit all inmates' medical assistance program  
17 applications at least forty-five days prior to the inmate's release from  
18 a public institution unless the inmate elects not to apply for the  
19 medical assistance program in writing or the inmate is currently enrolled  
20 in the medical assistance program with suspended coverage under  
21 subsection (2) of this section; and

22 (ii) The Department of Health and Human Services shall process all  
23 medical assistance program applications prior to an inmate's release from  
24 a public institution so that medical assistance program coverage is  
25 automatically effective for an eligible individual no later than the day  
26 of release from a public institution.

27 (b) For individuals who are inmates of a public institution and have  
28 less than sixty days prior notice of their anticipated release date:

29 (i) The Department of Health and Human Services shall provide onsite  
30 medical assistance program enrollment assistance to each inmate as soon  
31 as practicable prior to the inmate's release from a public institution.

1 The department shall submit all inmates' medical assistance program  
2 applications as soon as practicable prior to the inmate's release from a  
3 public institution unless the inmate elects not to apply for the medical  
4 assistance program in writing or the inmate is currently enrolled in the  
5 medical assistance program with suspended coverage under subsection (2)  
6 of this section; and

7 (ii) The Department of Health and Human Services shall process all  
8 medical assistance program applications prior to the inmate's release  
9 from a public institution so that medical assistance program coverage  
10 becomes automatically effective for an eligible individual no later than  
11 the day of release from a public institution or as soon as practicable  
12 thereafter.

13 (c) The Department of Health and Human Services may contract with  
14 certified third-party enrollment assisters to provide the enrollment  
15 assistance and application submission required by this subsection.

16 (d) The Department of Health and Human Services shall take all  
17 necessary actions to maximize federal financial participation pursuant to  
18 this subsection.

19 (5) ~~(4)~~ Nothing in this section shall create a state-funded benefit  
20 or program.

21 (6) ~~(5)~~ For purposes of this section, medical assistance program  
22 means the medical assistance program under the Medical Assistance Act and  
23 the State Children's Health Insurance Program.

24 (7) ~~(6)~~ This section shall be implemented only if, and to the  
25 extent, allowed by federal law. This section shall be implemented only to  
26 the extent that any necessary federal approval of state plan amendments  
27 or other federal approvals are obtained. The Department of Health and  
28 Human Services shall seek such approval if required.

29 (8) ~~(7)~~ Local correctional facilities, the Nebraska Commission on  
30 Law Enforcement and Criminal Justice, and the Office of Probation  
31 Administration shall cooperate with the Department of Health and Human

1 Services and the Department of Correctional Services for purposes of  
2 facilitating information sharing to achieve the purposes of this section.

3 (9)(a) ~~(8)(a)~~ The Department of Correctional Services shall adopt  
4 and promulgate rules and regulations, in consultation with the Department  
5 of Health and Human Services and local correctional facilities, to carry  
6 out this section.

7 (b) The Department of Health and Human Services shall adopt and  
8 promulgate rules and regulations, in consultation with the Department of  
9 Correctional Services and local correctional facilities, to carry out  
10 this section.

11 Sec. 2. Original section 47-706, Reissue Revised Statutes of  
12 Nebraska, is repealed.