

1 SENATE BILL 65

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO PUBLIC ASSISTANCE; REQUIRING THE HUMAN SERVICES  
12 DEPARTMENT TO PROVIDE PRE-RELEASE MEDICAID ELIGIBILITY  
13 ASSESSMENTS AND APPLICATIONS TO INCARCERATED INDIVIDUALS.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. PRE-RELEASE MEDICAID ELIGIBILITY ASSESSMENT--  
17 POST-RELEASE ENROLLMENT.--

18 A. The human services department shall coordinate  
19 with the corrections department, the children, youth and  
20 families department and prison and delinquency facility  
21 administrators to:

22 (1) ensure that any incarcerated individual  
23 who wishes to receive an assessment of the individual's post-  
24 release medicaid eligibility receives an assessment before the  
25 incarcerated individual is released from custody;

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1 (2) ensure that every incarcerated individual  
2 is informed of the individual's right to apply for medicaid  
3 and, upon the individual's request, is provided an application  
4 for medicaid; and

5 (3) for an incarcerated individual who applies  
6 for medicaid, provide assistance throughout the medicaid  
7 application process. The assistance shall include the  
8 distribution of application forms, assistance with securing  
9 medical and other information required to support an  
10 application and assistance with completing and submitting a  
11 medicaid application.

12 B. As used in this section:

13 (1) "incarcerated individual" means an  
14 individual; the legal guardian or conservator of an individual;  
15 or, for an individual who is an unemancipated minor, the parent  
16 of the individual, who is confined in:

- 17 (a) a state correctional facility;  
18 (b) a privately operated correctional  
19 facility;  
20 (c) a county jail;  
21 (d) a municipal jail;  
22 (e) a privately operated jail;  
23 (f) a detention facility that is  
24 operated under the authority of the children, youth and  
25 families department and that holds the individual pending court

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1 hearing; or

2 (g) a facility that is operated under  
3 the authority of the children, youth and families department  
4 and that provides for the care and rehabilitation of an  
5 individual who is under eighteen years of age and who has  
6 committed an act that would be designated as a crime under the  
7 law if committed by an individual who is eighteen years of age  
8 or older;

9 (2) "medicaid" means the joint federal-state  
10 health coverage program pursuant to Title 19 or Title 21 of the  
11 federal Social Security Act and rules promulgated pursuant to  
12 the Social Security Act; and

13 (3) "unemancipated minor" means an individual  
14 who is under eighteen years of age and who:

15 (a) is not on active duty in the armed  
16 forces; and

17 (b) has not been declared by court order  
18 to be emancipated.