

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 65

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

AN ACT

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

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

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

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

(1) ensure that any incarcerated individual
who wishes to receive an assessment of the individual's post-
release medicaid eligibility receives an assessment before the
incarcerated individual is released from custody. This process

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underscored material = new
[bracketed material] = delete

1 shall be initiated immediately when the release date becomes
2 known, or if the period of incarceration is known to be sixty
3 days or less, then immediately upon incarceration. In no case
4 shall the assessment process occur less than ten days prior to
5 the incarcerated individual's release;

6 (2) determine whether the incarcerated
7 individual receiving an assessment pursuant to this section is
8 enrolled in medicaid and, if so, assist that individual in
9 notifying the human services department to ensure that the
10 individual receives correspondence from the department while
11 incarcerated;

12 (3) ensure that every incarcerated individual
13 is informed of the individual's right to apply for medicaid
14 and, upon the individual's request, is provided an application
15 for medicaid;

16 (4) provide assistance throughout the
17 application process for medicaid for incarcerated individuals
18 who request assistance and assist individuals who were
19 participants in medicaid with assistance in completing any
20 periodic verification of their eligibility for those programs.
21 This assistance shall include the distribution of application
22 forms and assistance with securing medical and other
23 information required to support applications and assistance
24 with completing and submitting medicaid applications; and

25 (5) ensure that incarcerated individuals who

1 are eligible for medicaid are able to access medicaid benefits
2 immediately upon release from a corrections institution.

3 B. The provisions of Subsection A of this section
4 shall not apply if the period of incarceration is for less than
5 thirty days.

6 C. The human services department shall suspend the
7 medicaid enrollment of any individual who is a medicaid
8 recipient upon incarceration if that individual's incarceration
9 is expected to last for less than one year. The department
10 shall not terminate the enrollment of an incarcerated
11 individual whose enrollment has been suspended pursuant to this
12 subsection until a year from the date of the individual's entry
13 into incarceration.

14 D. As used in this section:

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

- 19 (a) a state correctional facility;
20 (b) a privately operated correctional
21 facility;
22 (c) a county jail;
23 (d) a municipal jail;
24 (e) a privately operated jail;
25 (f) a detention facility that is

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1 operated under the authority of the children, youth and
2 families department and that holds the individual pending court
3 hearing; or

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

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

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

17 (a) is not on active duty in the armed
18 forces; and

19 (b) has not been declared by court order
20 to be emancipated.