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BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

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. [NEW MATERIAL] PRE-RELEASE MEDICAID ELIGIBILITY ASSESSMENT--POST-RELEASE ENROLLMENT.--

A. The human services department, the corrections department, the children, youth and families department and administrators of any and all facilities that confine incarcerated individuals shall coordinate 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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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;

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

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

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

23 (5) ensure that incarcerated individuals who
24 are eligible for medicaid are able to access medicaid benefits
25 immediately upon release from a corrections institution.

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

4 C. The human services department shall suspend, but
5 shall not terminate, the enrollment of an incarcerated
6 individual until a year from the date of the individual's entry
7 into incarceration.

8 D. Nothing in this section shall be construed to
9 alter the time limits for processing medicaid applications
10 pursuant to existing federal and state law.

11 E. As used in this section:

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

16 (a) a state correctional facility;

17 (b) a privately operated correctional
18 facility;

19 (c) a county jail;

20 (d) a municipal jail;

21 (e) a privately operated jail;

22 (f) a detention facility that is
23 operated under the authority of the children, youth and
24 families department and that holds the individual pending court
25 hearing; or

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

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

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

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

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

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is January 1, 2016.