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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3642

02/13/2024 Authored by Noor, Virnig and Baker The bill was read for the first time and referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; establishing short-term medical assistance enrollment
1.3 assistance; establishing medical assistance coverage for prerelease care transition
1.4 services to incarcerated individuals; amending Minnesota Statutes 2022, sections
1.5 256B.055, subdivision 14; 256B.0625, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 256B.055, subdivision 14, is amended to read:

1.8 Subd. 14. Persons detained by law. (a) Medical assistance may be paid for an inmate
1.9 of a correctional facility who is conditionally released as authorized under section 241.26,
1.10 244.065, or 631.425, if the individual does not require the security of a public detention
1.11 facility and is housed in a halfway house or community correction center, or under house
1.12 arrest and monitored by electronic surveillance in a residence approved by the commissioner
1.13 of corrections, and if the individual meets the other eligibility requirements of this chapter.

1.14 (b) An individual who either is enrolled in medical assistance, and who is charged with
1.15 a crime and incarcerated for less than 12 months, or becomes enrolled in medical assistance
1.16 while incarcerated shall be suspended from eligibility at the time of incarceration while
1.17 incarcerated until the individual is released. The commissioner must provide outreach,
1.18 education, and enrollment support to each incarcerated individual who is not enrolled in
1.19 medical assistance. The commissioner must ensure that all incarcerated individuals who
1.20 are eligible for medical assistance are enrolled no later than 45 days prior to their expected
1.21 release. Upon release, medical assistance eligibility is reinstated without reapplication using
1.22 a reinstatement process and form, if the individual is otherwise eligible.

2.1 (c) An individual, regardless of age, who is considered an inmate of a public institution
2.2 as defined in Code of Federal Regulations, title 42, section 435.1010, and who meets the
2.3 eligibility requirements in section 256B.056, is not eligible for medical assistance, except
2.4 for:

2.5 (1) covered services received while an inpatient in a medical institution as defined in
2.6 Code of Federal Regulations, title 42, section 435.1010. Security issues, including costs,
2.7 related to the inpatient treatment of an inmate are the responsibility of the entity with
2.8 jurisdiction over the inmate; and

2.9 (2) allowable care transition services for eligible incarcerated individuals covered under
2.10 section 256B.0625, subdivision 72, during the 30 days prior to the eligible incarcerated
2.11 person's expected release date.

2.12 **EFFECTIVE DATE.** This section is effective 90 days following federal approval of
2.13 the commissioner of human services' Medicaid Reentry Section 1115 Demonstration
2.14 Opportunity waiver application. The commissioner shall notify the revisor of statutes when
2.15 federal approval is obtained.

2.16 Sec. 2. Minnesota Statutes 2022, section 256B.0625, is amended by adding a subdivision
2.17 to read:

2.18 Subd. 72. **Care transition services for incarcerated individuals.** (a) Medical assistance
2.19 covers care transition services provided to eligible incarcerated individuals during the 30
2.20 days prior to the incarcerated individual's release date. An incarcerated individual is eligible
2.21 for care transition services if the incarcerated individual has a chronic physical or behavioral
2.22 health condition and would be at high risk of poor health outcomes and frequent emergency
2.23 department and inpatient hospital use following release if care transition services were not
2.24 available. An incarcerated individual is eligible whether or not the incarcerated individual
2.25 has been convicted.

2.26 (b) Care transition services covered under this subdivision include:

2.27 (1) comprehensive assessments of physical and behavioral health needs and health-related
2.28 social needs;

2.29 (2) screening and lab work for common health conditions and infectious diseases;

2.30 (3) prerelease treatment for infectious diseases;

2.31 (4) prerelease behavioral health and preventative services;

3.1 (5) medication-assisted treatment services for all types of substance use disorders as
 3.2 clinically appropriate, with accompanying individually determined appropriate counseling
 3.3 and behavioral therapies;

3.4 (6) case management, including determination of needed services, development of an
 3.5 individualized and specific care plan, referral and appointment scheduling assistance to
 3.6 providers of needed services, and monitoring and follow-up activities;

3.7 (7) a 30-day supply of all prescription medications that have been prescribed for the
 3.8 beneficiary at the time of release, provided to the beneficiary immediately upon release
 3.9 from the correctional facility; and

3.10 (8) family planning services and supplies for both men and women.

3.11 **EFFECTIVE DATE.** This section is effective 90 days following federal approval of
 3.12 the commissioner of human services' Medicaid Reentry Section 1115 Demonstration
 3.13 Opportunity waiver application. The commissioner shall notify the revisor of statutes when
 3.14 federal approval is obtained.

3.15 **Sec. 3. DIRECTION TO COMMISSIONER OF HUMAN SERVICES; MEDICAID**
 3.16 **REENTRY SECTION 1115 DEMONSTRATION OPPORTUNITY WAIVER.**

3.17 (a) The commissioner of human services shall apply to the secretary of health and human
 3.18 services for a Medicaid Reentry Section 1115 Demonstration Opportunity waiver to provide
 3.19 short term medical assistance enrollment assistance and prerelease coverage for care transition
 3.20 services to incarcerated individuals who are soon to be released from incarceration, consistent
 3.21 with the statutory directive in section 5032 of the Substance Use-Disorder Prevention that
 3.22 Promotes Opioid Recovery and Treatment for Patients and Communities Act (Public Law
 3.23 115-271) and federal guidance. The commissioner's application must request coverage for
 3.24 at least the services under Minnesota Statutes, section 256B.0625, subdivision 72, for at
 3.25 least 30 days prior to an eligible incarcerated individual's expected release date.

3.26 (b) When preparing the application for the Section 1115 Demonstration Opportunity
 3.27 waiver, the commissioner of human services must consult with the commissioner of
 3.28 corrections, sheriffs, lead agencies, and individuals with lived experience of incarceration.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.