

2023 -- S 0873 SUBSTITUTE A

LC002676/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE MEDICAID REENTRY ACT

Introduced By: Senators Lawson, Lauria, LaMountain, Miller, Kallman, Cano, Euer, DiMario, Valverde, and Mack

Date Introduced: March 30, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 56.4

4 THE MEDICAID REENTRY ACT

5 **42-56.4-1. Short title.**

6 This chapter shall be known and may be cited as the "The Medicaid Reentry Act."

7 **42-56.4-2. Legislative findings and intent.**

8 The general assembly finds and declares that:

9 (1) Having access to same day and next day physical and behavioral health services is  
10 imperative to facilitate successful reentry for individuals released from incarceration;

11 (2) Suspending Medicaid enrollment for incarcerated individuals causes significant delays  
12 in Medicaid reinstatement upon release;

13 (3) Delays in Medicaid reinstatement impedes access to physical and behavioral health  
14 appointments and prescription medications upon release; and

15 (4) The intent of this chapter is to facilitate successful reentry by not suspending Medicaid  
16 enrollment for individuals who are incarcerated and providing Medicaid coverage for those  
17 reentering the community.

18 **42-56.4-3. Definitions.**

1 As used in this chapter, the following words and terms shall have the following meanings:

2 (1) "Coverage" means and shall include, but is not limited to:

3 (i) Assessments;

4 (ii) Psychosocial counseling;

5 (iii) Medications, including long-acting injectable medications;

6 (iv) Peer support services;

7 (v) Discharge planning; and

8 (vi) Reentry services.

9 (2) "Medical assistance" means the medical assistance program provided by the Rhode  
10 Island medical assistance program, as defined under chapter 8 of title 40, or medical assistance  
11 provided by a managed care organization under contract with the Rhode Island medical assistance  
12 program.

13 (3) "Qualified inmate" means an individual who is incarcerated within the adult  
14 correctional institutions or a juvenile correctional facility.

15 **42-56.4-4. Maintenance of medical assistance enrollment for incarcerated individuals.**

16 (a) During the first thirty (30) days of a person's incarceration at the department of  
17 corrections or in a juvenile correctional facility, a person's incarceration status may not affect the  
18 person's enrollment in medical assistance if the person is enrolled in medical assistance upon  
19 incarceration. The person's medical assistance enrollment shall be maintained throughout the first  
20 thirty (30) days of the person's incarceration.

21 (b) If a person is not currently enrolled in medical assistance upon incarceration, the  
22 executive office of health and human services, in consultation with the department of corrections,  
23 shall, upon the person's consent, determine the person's eligibility and enroll the person in medical  
24 assistance upon entry within the department of corrections. Once enrolled in medical assistance,  
25 the person's medical assistance enrollment shall be maintained throughout the first thirty (30) days  
26 of the person's incarceration.

27 (c) After the first thirty (30) days of the person's incarceration, the person's medical  
28 assistance enrollment is subject to suspension.

29 (d) The department of corrections shall, when possible, notify the executive office of health  
30 and human services of the individual's upcoming release from incarceration with sufficient time to  
31 allow the executive office of health and human services to update the individual's enrollment in  
32 medical assistance from suspended to active status thirty (30) days prior to release. Upon receipt  
33 of the notification, the executive office of health and human services shall update the individual's  
34 enrollment in medical assistance from suspended to active status. If the person was unenrolled in

1 medical assistance during their incarceration, the executive office of health and human services,  
2 shall, upon the person's consent, determine the person's eligibility and enroll the person in medical  
3 assistance. The individuals Medicaid member information shall be provided to individuals prior to  
4 their release.

5 (e) Notwithstanding any provision of this section to the contrary, the executive office of  
6 health and human services shall not be required to provide medical assistance benefits to persons  
7 who are incarcerated prior to the person's release unless the executive office of health and human  
8 services obtains final approval of a demonstration waiver under § 1115 (42 U.S.C. 1315) from the  
9 Centers for Medicare and Medicaid Services. No federal funds may be expended for any purpose  
10 that is not authorized by the state's agreements with the federal government. The executive office  
11 of health and human services shall utilize and maximize federal funding participation when  
12 available.

13 (f) The executive office of health and human services shall coordinate with the managed  
14 care organizations for the purposes of reconciling any potential financial implications of  
15 maintaining active coverage for the first and last thirty (30) days of an individual's confinement.

16 (g) The executive office of health and human services shall require through amending  
17 current and future medical assistance managed care contracts, that the managed care organizations  
18 meet the provisions of this chapter.

19 (h) The department of corrections shall make reasonable efforts to collaborate with the  
20 executive office of health and human services and managed care organizations for the purposes of  
21 care coordination activities, improving health care delivery, and release planning for persons  
22 incarcerated.

23 (i) The executive office of health and human services and the department of corrections  
24 shall provide all monitoring and evaluation reports required under the 1115 Demonstration Waiver  
25 if the Centers for Medicare and Medicaid Services waives the inmate exclusion policy in their  
26 approval of the demonstration.

27 **42-56.4-5. Medicaid waiver for coverage of qualified inmates leaving the department**  
28 **of corrections.**

29 (a) Within ninety (90) days after the effective date of this chapter, the executive office of  
30 health and human services, in consultation with the department of corrections, shall apply for a  
31 demonstration waiver, under § 1115 (42 U.S.C. 1315), with the Centers for Medicare and Medicaid  
32 Services to offer, when possible, a program to provide Medicaid benefits to a qualified inmate for  
33 up to at least thirty (30) days immediately before the day on which the qualified inmate is released  
34 by the department of corrections.

1           (b) If the waiver described in subsection (a) of this section is approved, the executive office  
2 of health and human services shall provide all monitoring and evaluation reports required under the  
3 1115 demonstration.

4           SECTION 2. This act shall take effect on January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE MEDICAID REENTRY  
ACT

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1           This act would require that Medicaid enrollment be maintained or provided to all inmates  
2 in the first thirty (30) days of incarceration at the adult correctional institutions within the  
3 department of corrections and the last thirty (30) days of incarceration when possible. It would also  
4 require that the executive office of health and human services, in accordance with federal law, apply  
5 for an § 1115 waiver to offer a program to provide Medicaid benefits to a qualified inmate for up  
6 to at least thirty (30) days immediately before the day on which the qualified inmate is released by  
7 the department of corrections.

8           This act would take effect on January 1, 2025.

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