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FIRST REPRINT

A.B. 358

ASSEMBLY BILL NO. 358—ASSEMBLYMAN FRIERSON

MARCH 22, 2021

Referred to Committee on Health and Human Services

SUMMARY—Enacts provisions to improve access to Medicaid for persons released from incarceration. (BDR 38-919)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to Medicaid; requiring the suspension, rather than termination, of eligibility for Medicaid of a person who is incarcerated; authorizing a person who is incarcerated, in certain circumstances, to apply for enrollment in Medicaid before he or she is released; revising the requirement for the Director of the Department of Corrections to complete the paperwork to enroll such a person in Medicaid; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid and cooperate with the Federal Government in adopting the State Plan for Medicaid. (NRS 422.270) **Section 1** of this bill provides that, to the extent not prohibited by federal law: (1) the eligibility for Medicaid of a person must be suspended, rather than terminated, when a person is incarcerated; (2) a person who is incarcerated and who was not eligible for Medicaid before being incarcerated or whose eligibility for Medicaid has been terminated must be allowed to apply for enrollment in Medicaid up to 6 months before his or her scheduled release date; and (3) eligibility for and coverage under Medicaid for a person who is released from incarceration must be reinstated or instituted, as applicable, as soon as possible upon release. **Section 3** of this bill makes a conforming change to require the provisions of **section 1** to be administered in the same manner as the provisions of existing law governing Medicaid.

Existing law requires the Director of the Department of Corrections to complete the application to enroll an offender in Medicaid upon release if the offender is eligible for Medicaid at that time. (NRS 209.511) **Section 2** of this bill revises this requirement by requiring the Director to complete such an application as soon as practicable after the offender is authorized to enroll in Medicaid pursuant to **section 1** if the offender may be eligible for Medicaid upon release.



* A B 3 5 8 R 1 *

Section 3.5 of this bill makes an appropriation to the Department of Corrections for personnel and other costs related to assisting offenders with eligibility assessments and applications for enrollment in Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent not prohibited by federal law, the Department shall:

(a) Suspend, rather than terminate, the eligibility for Medicaid of a person who is incarcerated for the amount of time authorized by regulation pursuant to subsection 2;

(b) Authorize a person who is incarcerated and was not eligible for Medicaid before being incarcerated or whose eligibility for Medicaid has been terminated to apply up to 6 months before his or her scheduled release for enrollment in Medicaid immediately upon release; and

(c) Reinstater or institute, as applicable, eligibility for and coverage under Medicaid for a person described in paragraph (a) or (b) as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.

2. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that the eligibility for Medicaid of a person may be suspended pursuant to paragraph (a) of subsection 1 before being terminated.

Sec. 2. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to section 1 of this act, the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid upon release.

3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an



offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

~~13.1~~ 4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card;

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or

(3) Is not currently in possession of a photo identification card;

(f) Shall provide the offender with clothing suitable for reentering society;

(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;

(j) If the offender is eligible for ~~Medicaid or~~ Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

~~14.1~~ 5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection ~~13.1~~ 4 unless the photo identification card clearly indicates whether the Director:

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by



1 the Department of Motor Vehicles pursuant to NRS 483.290 or
2 483.860, as applicable, furnished as proof of the full legal name and
3 age of an applicant for a driver's license or identification card; or

4 (b) Has not verified the full legal name and age of the offender
5 pursuant to paragraph (a).

6 ~~15.1~~ 6. The costs authorized or required in paragraphs (a), (e),
7 (f), (g), (i) and (k) of subsection ~~13.1~~ 4 must be paid out of the
8 appropriate account within the State General Fund for the use of the
9 Department as other claims against the State are paid to the extent
10 that the costs have not been paid in accordance with subsection 5 of
11 NRS 209.221 and NRS 209.246.

12 ~~16.1~~ 7. The Director is encouraged to work with the Nevada
13 Community Re-Entry Task Force established by the Governor
14 pursuant to executive order, or its successor body, if any, to align
15 statewide strategies for the reentry of offenders into the community
16 and the implementation of those strategies.

17 ~~17.1~~ 8. As used in this section:

18 (a) "Eligible offender" means an offender who is:

19 (1) Determined to be eligible for reentry programming based
20 on the Nevada Risk Assessment Services instrument, or its
21 successor risk assessment tool; and

22 (2) Enrolled in:

23 (I) Programming services under a reentry program at a
24 correctional facility which has staff designated to provide the
25 services; or

26 (II) A community-based program to assist offenders to
27 reenter the community.

28 (b) "Facility for transitional living for released offenders" has
29 the meaning ascribed to it in NRS 449.0055.

30 (c) "Photo identification card" means a document which
31 includes the name, date of birth and a color picture of the offender.

32 (d) "Promising practice reentry program" means a reentry
33 program that has strong quantitative and qualitative data showing
34 positive outcomes, but does not have sufficient research or
35 replication to support recognition as an evidence-based practice.

36 **Sec. 3.** NRS 232.320 is hereby amended to read as follows:

37 232.320 1. The Director:

38 (a) Shall appoint, with the consent of the Governor,
39 administrators of the divisions of the Department, who are
40 respectively designated as follows:

41 (1) The Administrator of the Aging and Disability Services
42 Division;

43 (2) The Administrator of the Division of Welfare and
44 Supportive Services;



(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.



(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for personnel and other costs related to assisting offenders with eligibility assessments and applications for enrollment in Medicaid the following sums:

For the Fiscal Year 2021-2022 \$380,177

For the Fiscal Year 2022-2023 \$477,169

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 3.5 of this act becomes effective on July 1, 2021.

3. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

