

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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

14 Existing law requires the Director of the Department of Corrections to complete
15 the application to enroll an offender in Medicaid upon release if the offender is
16 eligible for Medicaid at that time. (NRS 209.511) **Section 2** of this bill revises this
17 requirement by requiring the Director to complete such an application as soon as
18 practicable after the offender is authorized to enroll in Medicaid pursuant to **section**
19 **1** if the offender may be eligible for Medicaid upon release.



20 **Section 4** of this bill provides that this bill becomes effective upon passage and
21 approval for the purpose of adopting regulations and performing any other
22 preparatory administrative tasks to carry out this bill and on January 1, 2022, for all
23 other purposes.

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

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

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

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

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

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

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

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

24 209.511 1. Before an offender is released from prison by
25 expiration of his or her term of sentence, by pardon or parole, the
26 Director may provide mediation services to the offender and the
27 family members and friends of the offender who provide emotional,
28 psychological and financial support to the offender.

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

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



1 limitation, any programs which may provide bonding for an
2 offender entering the workplace and any organizations which may
3 provide employment or bonding assistance to such a person.

4 ~~[3]~~ 4. When an offender is released from prison by expiration
5 of his or her term of sentence, by pardon or by parole, the Director:

6 (a) May furnish the offender with a sum of money not to exceed
7 \$100, the amount to be based upon the offender's economic need as
8 determined by the Director;

9 (b) Shall give the offender notice of the provisions of chapter
10 179C of NRS and NRS 202.357 and 202.360;

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

13 (d) Shall give the offender notice of the provisions of NRS
14 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as
15 applicable;

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

20 (1) Requests a photo identification card;

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

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

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

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

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

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

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

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

41 ~~[4]~~ 5. The Director shall not provide an offender with a photo
42 identification card pursuant to paragraph (e) of subsection ~~[3]~~ 4
43 unless the photo identification card clearly indicates whether the
44 Director:



1 (a) Has verified the full legal name and age of the offender by
2 obtaining an original or certified copy of the documents required by
3 the Department of Motor Vehicles pursuant to NRS 483.290 or
4 483.860, as applicable, furnished as proof of the full legal name and
5 age of an applicant for a driver's license or identification card; or

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

8 ~~5.1~~ 6. The costs authorized or required in paragraphs (a), (e),
9 (f), (g), (i) and (k) of subsection ~~3.1~~ 4 must be paid out of the
10 appropriate account within the State General Fund for the use of the
11 Department as other claims against the State are paid to the extent
12 that the costs have not been paid in accordance with subsection 5 of
13 NRS 209.221 and NRS 209.246.

14 ~~6.1~~ 7. The Director is encouraged to work with the Nevada
15 Community Re-Entry Task Force established by the Governor
16 pursuant to executive order, or its successor body, if any, to align
17 statewide strategies for the reentry of offenders into the community
18 and the implementation of those strategies.

19 ~~7.1~~ 8. As used in this section:

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

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

24 (2) Enrolled in:

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

28 (II) A community-based program to assist offenders to
29 reenter the community.

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

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

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

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

39 232.320 1. The Director:

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

43 (1) The Administrator of the Aging and Disability Services
44 Division;



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

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

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

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

9 (b) Shall administer, through the divisions of the Department,
10 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
11 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
12 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
13 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
14 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
15 and 445A.010 to 445A.055, inclusive, and all other provisions of
16 law relating to the functions of the divisions of the Department, but
17 is not responsible for the clinical activities of the Division of Public
18 and Behavioral Health or the professional line activities of the other
19 divisions.

20 (c) Shall administer any state program for persons with
21 developmental disabilities established pursuant to the
22 Developmental Disabilities Assistance and Bill of Rights Act of
23 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

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

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

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

42 (6) Contain any other information necessary for the
43 Department to communicate effectively with the Federal
44 Government concerning demographic trends, formulas for the



1 distribution of federal money and any need for the modification of
2 programs administered by the Department.

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

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

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

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

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

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

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

