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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:**

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

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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  
38 limitation, any programs which may provide bonding for an



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

3 ~~3.1~~ 4. When an offender is released from prison by expiration  
4 of his or her term of sentence, by pardon or by parole, the Director:

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

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

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

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

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

19 (1) Requests a photo identification card;

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

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

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

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

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

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

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

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

40 ~~4.1~~ 5. The Director shall not provide an offender with a photo  
41 identification card pursuant to paragraph (e) of subsection ~~3.1~~ 4  
42 unless the photo identification card clearly indicates whether the  
43 Director:

44 (a) Has verified the full legal name and age of the offender by  
45 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 ~~[5.]~~ 6. The costs authorized or required in paragraphs (a), (e),  
7 (f), (g), (i) and (k) of subsection ~~[3]~~ 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 ~~[6.]~~ 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 ~~[7.]~~ 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;



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

15 For the Fiscal Year 2021-2022 .....	\$380,177
16 For the Fiscal Year 2022-2023 .....	\$477,169

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

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

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

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

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

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





