

**§3174-CC. Medicaid eligibility during incarceration****(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

**1. Establish procedures.** The department shall establish procedures to ensure that:

A. A person receiving federally approved Medicaid services prior to incarceration in a correctional facility, county jail or regional jail does not lose Medicaid eligibility as a result of that incarceration and receives assistance with reapplying for benefits if that person's Medicaid coverage expires or is terminated during the term of incarceration; and [PL 2023, c. 458, §1 (AMD).]

B. A person who is not receiving federally approved Medicaid services prior to incarceration in a correctional facility, county jail or regional jail but meets the eligibility requirements for Medicaid receives assistance with applying for federally approved Medicaid services. [PL 2023, c. 458, §1 (AMD).]

[PL 2023, c. 458, §1 (AMD).]

**2. Presumptive eligibility.** If a MaineCare provider determines that a person who is incarcerated in a correctional facility, county jail or regional jail who does not have Medicaid coverage is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section in accordance with 42 Code of Federal Regulations, Section 435.1101.

[PL 2023, c. 458, §1 (AMD).]

**3. Memorandum of understanding with Department of Corrections.** The department and the Department of Corrections shall enter into a memorandum of understanding in order to provide a person who is incarcerated in a correctional facility with assistance in applying for benefits under this section and section 3104, subsection 17.

[PL 2023, c. 458, §1 (AMD).]

**4. Memorandum of understanding with counties.** No later than January 1, 2024, the department shall enter into a memorandum of understanding with counties in this State that have a county jail or a regional jail in order to provide a person who is incarcerated in a county jail or a regional jail with assistance in applying for benefits under this section.

[PL 2023, c. 458, §1 (NEW).]

**5. (TEXT EFFECTIVE ON CONTINGENCY: See PL 2023, c. 458, §5) MaineCare coverage prior to release.** During at least the 90-day period prior to the release of an individual from incarceration in a correctional facility, county jail or regional jail, the department shall provide reimbursement under the MaineCare program for services that can be provided under the program to individuals who are incarcerated and that facilitate an individual's transition back into the community.

[PL 2023, c. 458, §1 (NEW); PL 2023, c. 458, §5 (AFF).]

The provisions of this section apply even if Medicaid coverage is limited during the period of incarceration in a correctional facility, county jail or a regional jail. Nothing in this section requires or permits the department to maintain an incarcerated person's Medicaid eligibility if the person no longer meets eligibility requirements. [PL 2023, c. 458, §1 (AMD).]

**SECTION HISTORY**

PL 2001, c. 659, §B1 (NEW). PL 2019, c. 492, §2 (RPR). PL 2023, c. 458, §1 (AMD). PL 2023, c. 458, §5 (AFF).

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