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Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Building Bridges - Access to Benefits for Individuals with Psychiatric**
3 **Disabilities on Release from Incarceration**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene
5 (DHMH) to facilitate the provision of certain benefits to individuals with
6 psychiatric disabilities on release from incarceration; providing for certain
7 findings of the General Assembly; providing for the purpose of this Act and the
8 policy of the State; requiring DHMH to adopt certain regulations relating to
9 certain individuals with psychiatric disabilities; requiring DHMH to seek to
10 ensure an expedited restoration of certain benefits for inmates with psychiatric
11 disabilities under certain circumstances; requiring the Department of Public
12 Safety and Correctional Services (DPSCS) to provide certain assistance in
13 receiving certain benefits to inmates with psychiatric disabilities; requiring
14 DHMH to establish procedures for receiving Medicaid applications on behalf of
15 inmates with psychiatric disabilities, conduct a certain review of the
16 applications, and enroll eligible individuals in Medicaid; requiring DHMH to
17 temporarily enroll certain individuals in Medicaid; requiring DPSCS to
18 negotiate certain pre-release agreements with the Social Security
19 Administration; requiring DPSCS to provide staff to ensure that applications for
20 certain benefits are filed and updated as needed; requiring DPSCS to provide a
21 copy of applications for certain benefits to certain individuals; providing that an
22 individual with a psychiatric disability is qualified to receive a temporary
23 Medicaid assistance card under certain circumstances for a certain time period;
24 requiring the Department of Human Resources (DHR) and DHMH to provide
25 certain assistance relating to an application for a temporary Medicaid card;
26 authorizing the State to claim a certain reimbursement for certain payments;
27 providing that certain individuals with psychiatric disabilities are qualified to
28 receive temporary income support under certain circumstances; requiring DHR
29 to receive applications for temporary income support and to make a certain
30 determination in a certain time period; requiring the temporary income support
31 to be in a certain amount and to be provided for a certain time period; requiring
32 DPSCS to arrange for certain individuals with psychiatric disabilities to have a
33 certain photo identification on release from incarceration; requiring certain
34 State agencies to ensure that inmates have access to mental health and
35 substance abuse services while incarcerated; requiring DPSCS to provide

1 certain mental health and substance abuse services to certain individuals;
2 requiring the Mental Hygiene Administration to provide funding to certain
3 agencies or the capacity for certain reimbursements to ensure availability of
4 certain services; providing that individuals with psychiatric disabilities shall be
5 provided with a certain supply of psychiatric medications and have access to
6 certain medical services on release from incarceration; requiring the Mental
7 Hygiene Administration to provide certain case management services to certain
8 individuals; requiring DHMH to use its best efforts to obtain certain federal
9 approval under certain circumstances; defining certain terms; and generally
10 relating to access to benefits for individuals with psychiatric disabilities on
11 release from incarceration.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 15-102.1
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

17 BY adding to
18 Article - Correctional Services
19 Section 9-701 through 9-711 to be under the new subtitle "Subtitle 7. Benefits
20 for Individuals with Psychiatric Disabilities"
21 Annotated Code of Maryland
22 (1999 Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Health - General**

26 15-102.1.

27 (a) The General Assembly finds that it is a goal of this State to promote the
28 development of a health care system that provides adequate and appropriate health
29 care services to indigent and medically indigent individuals.

30 (b) The Department shall, to the extent permitted, subject to the limitations of
31 the State budget:

32 (1) Provide a comprehensive system of quality health care services with
33 an emphasis on prevention, education, individualized care, and appropriate case
34 management;

35 (2) Develop a prenatal care program for Program recipients and
36 encourage its utilization;

37 (3) Allocate State resources for the Program to provide a balanced
38 system of health care services to the population served by the Program;

- 1 (4) Seek to coordinate the Program activities with other State programs
2 and initiatives that are necessary to address the health care needs of the population
3 served by the Program;
- 4 (5) Promote Program policies that facilitate access to and continuity of
5 care by encouraging:
- 6 (i) Provider availability throughout the State;
- 7 (ii) Consumer education;
- 8 (iii) The development of ongoing relationships between Program
9 recipients and primary health care providers; and
- 10 (iv) The regular review of the Program's regulations to determine
11 whether the administrative requirements of those regulations are unnecessarily
12 burdensome on Program providers;
- 13 (6) Strongly urge health care providers to participate in the Program and
14 thereby address the needs of Program recipients;
- 15 (7) Require health care providers who participate in the Program to
16 provide access to Program recipients on a nondiscriminatory basis in accordance with
17 State and federal law;
- 18 (8) Seek to provide appropriate levels of reimbursement for providers to
19 encourage greater participation by providers in the Program;
- 20 (9) Promote individual responsibility for maintaining good health habits;
- 21 (10) Encourage the Program and Maryland's health care regulatory
22 system to work to cooperatively promote the development of an appropriate mix of
23 health care providers, limit cost increases for the delivery of health care to Program
24 recipients, and insure the delivery of quality health care to Program recipients;
- 25 (11) Encourage the development and utilization of cost-effective and
26 preventive alternatives to the delivery of health care services to appropriate Program
27 recipients in inpatient institutional settings;
- 28 (12) Encourage the appropriate executive agencies to coordinate the
29 eligibility determination, policy, operations, and compliance components of the
30 Program;
- 31 (13) Work with representatives of inpatient institutions, third party
32 payors, and the appropriate State agencies to contain Program costs;
- 33 (14) Identify and seek to develop an optimal mix of State, federal, and
34 privately financed health care services for Program recipients, within available
35 resources through cooperative interagency efforts;

1 (15) Develop joint Legislative and Executive Branch strategies to
2 persuade the federal government to reconsider those policies that discourage the
3 delivery of cost-effective health care services to Program recipients;

4 (16) Evaluate departmental recommendations as to those persons whose
5 financial need or health care needs are most acute;

6 (17) Establish mechanisms for aggressively pursuing recoveries against
7 third parties permitted under current law and exploring additional methods for
8 seeking to recover other moneys expended by the Program; [and]

9 (18) Take appropriate measures to assure the quality of health care
10 services provided by managed care organizations; AND

11 (19) ASSIST IN PROVIDING PROGRAM BENEFITS TO INDIVIDUALS WITH
12 PSYCHIATRIC DISABILITIES ON RELEASE FROM INCARCERATION AS PROVIDED IN
13 SUBTITLE 7 OF THE CORRECTIONAL SERVICES ARTICLE.

14 **Article - Correctional Services**

15 SUBTITLE 7. BENEFITS FOR INDIVIDUALS WITH PSYCHIATRIC DISABILITIES.

16 9-701.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "CORRECTIONAL AGENCY" MEANS AN AGENCY OF STATE OR LOCAL
20 GOVERNMENT RESPONSIBLE FOR OVERSEEING THE OPERATION OF ONE OR MORE
21 CORRECTIONAL INSTITUTIONS, INCLUDING JUVENILE JUSTICE FACILITIES.

22 (C) "CORRECTIONAL INSTITUTION" MEANS A CORRECTIONAL FACILITY,
23 JUVENILE DETENTION FACILITY, OR OTHER DETENTION FACILITY OPERATED BY A
24 STATE OR LOCAL CORRECTIONAL AGENCY THAT QUALIFIES AS A PUBLIC
25 INSTITUTION UNDER TITLE 42 OF THE CODE OF FEDERAL REGULATIONS, § 435.1009.

26 (D) "ELIGIBILITY CATEGORY" MEANS AN ELIGIBILITY CATEGORY
27 ESTABLISHED IN THE STATE MEDICAID PLAN.

28 (E) "FEDERAL BENEFIT PROGRAMS" MEANS MEDICAID, SSI, AND SSDI.

29 (F) "INCARCERATED" MEANS CONFINED IN A CORRECTIONAL INSTITUTION.

30 (G) "INDIVIDUAL LIKELY TO BE ELIGIBLE" MEANS AN INDIVIDUAL WITH A
31 PSYCHIATRIC DISABILITY:

32 (1) WHOSE ENROLLMENT IN THE MEDICAID, SSI, OR SSDI PROGRAM WAS
33 TERMINATED DURING INCARCERATION;

1 (2) WHO WAS ENROLLED IN THE MEDICAID, SSI, OR SSDI PROGRAM AT
2 ANY TIME DURING THE 5 YEARS PRIOR TO INCARCERATION; OR

3 (3) WHO WAS NOT PREVIOUSLY ENROLLED, BUT WHO IS LIKELY TO
4 MEET ELIGIBILITY CRITERIA FOR THE MEDICAID, SSI, OR SSDI PROGRAMS ON
5 RELEASE FROM INCARCERATION.

6 (H) "INDIVIDUALS WITH PSYCHIATRIC DISABILITIES" INCLUDES:

7 (1) ADULTS WITH SERIOUS MENTAL ILLNESSES; AND

8 (2) JUVENILES WITH EMOTIONAL OR BEHAVIORAL DISTURBANCES OR
9 EMOTIONAL DISORDERS.

10 (I) "PARENT" MEANS A PARENT, GUARDIAN, OR INDIVIDUAL ACTING IN THE
11 ROLE OF PARENT.

12 (J) "PRE-RELEASE AGREEMENT" MEANS A FORMAL AGREEMENT WITH THE
13 SOCIAL SECURITY ADMINISTRATION UNDER WHICH A CORRECTIONAL AGENCY AND
14 THE SOCIAL SECURITY ADMINISTRATION WILL WORK COLLABORATIVELY TO
15 ENSURE THAT APPLICATIONS FOR SSI AND SSDI BY INMATES ARE HANDLED
16 EXPEDITIOUSLY BY THE SOCIAL SECURITY ADMINISTRATION.

17 (K) "SSI" MEANS THE SUPPLEMENTAL SECURITY INCOME PROGRAM, A
18 FEDERAL INCOME SUPPORT PROGRAM FOR INDIVIDUALS WITH DISABILITIES AND
19 LOW INCOMES, PROVIDED UNDER TITLE XVI OF THE SOCIAL SECURITY ACT.

20 (L) "SSDI" MEANS THE SOCIAL SECURITY DISABILITY INCOME PROGRAM, A
21 FEDERAL INCOME SUPPORT PROGRAM, PROVIDED UNDER TITLE II OF THE SOCIAL
22 SECURITY ACT, FOR INDIVIDUALS WITH DISABILITIES WHO HAVE WORKED AND PAID
23 SOCIAL SECURITY TAXES.

24 9-702.

25 THE GENERAL ASSEMBLY FINDS THAT:

26 (1) WHEN RELEASED FROM INCARCERATION, INDIVIDUALS WITH
27 PSYCHIATRIC DISABILITIES OFTEN LACK ACCESS TO MENTAL HEALTH SERVICES,
28 STABLE HOUSING, EMPLOYMENT OR OTHER INCOME, AND EDUCATION AND
29 OBTAINING FOOD AND OTHER NECESSITIES CAN BE A PROBLEM;

30 (2) WITHOUT BASIC SUPPORTS, MANY INDIVIDUALS WITH PSYCHIATRIC
31 DISABILITIES NEEDLESSLY BECOME TRAPPED IN A CYCLE OF DESTITUTION,
32 DETERIORATION, REARREST, AND REINCARCERATION;

33 (3) ON RELEASE, INDIVIDUALS WITH PSYCHIATRIC DISABILITIES NEED
34 BASIC SERVICES AND SUPPORTS TO ENABLE THEM TO TRANSITION SUCCESSFULLY
35 TO COMMUNITY LIFE;

1 (4) EXISTING FEDERAL PROGRAMS, SUCH AS MEDICAID, SSI, AND SSDI
2 PROVIDE HEALTH CARE COVERAGE AND INCOME SUPPORT TO INDIVIDUALS WITH
3 PSYCHIATRIC DISABILITIES BUT INDIVIDUALS RELEASED FROM INCARCERATION
4 ARE OFTEN NOT ENROLLED IN THESE PROGRAMS OR THEIR ENROLLMENT IS
5 UNREASONABLY DELAYED;

6 (5) LEGISLATIVE ACTION IS REQUIRED TO AID INDIVIDUALS WITH
7 PSYCHIATRIC DISABILITIES IN MAINTAINING THEIR ELIGIBILITY FOR FEDERAL
8 BENEFIT PROGRAMS DURING INCARCERATION AND, ON RELEASE, TO ENABLE THE
9 INDIVIDUALS TO ACCESS FEDERAL BENEFIT PROGRAMS FOR WHICH THEY ARE
10 ELIGIBLE AND TEMPORARY HEALTH CARE COVERAGE AND INCOME WHEN FEDERAL
11 BENEFITS ARE NOT IMMEDIATELY AVAILABLE;

12 (6) LEGISLATIVE ACTION IS ALSO REQUIRED TO ENSURE THAT, ON
13 RELEASE, INDIVIDUALS WITH PSYCHIATRIC DISABILITIES ARE CONNECTED TO THE
14 COMMUNITY-BASED MENTAL HEALTH SYSTEM; AND

15 (7) PROVIDING ACCESS TO MENTAL HEALTH CARE AND INCOME
16 SUPPORT FOR INDIVIDUALS WITH PSYCHIATRIC DISABILITIES ON RELEASE WILL
17 PROMOTE SUCCESSFUL COMMUNITY REENTRY, ENHANCE PUBLIC SAFETY, AND
18 PROVIDE RELIEF TO TAXPAYERS FROM FISCAL BURDENS IMPOSED BY AVOIDABLE
19 RECIDIVISM.

20 9-703.

21 THE PURPOSE OF THIS SUBTITLE IS TO:

22 (1) FACILITATE THE COMMUNITY REINTEGRATION OF INDIVIDUALS
23 WITH PSYCHIATRIC DISABILITIES ON RELEASE FROM CORRECTIONAL INSTITUTIONS;

24 (2) ENHANCE PUBLIC SAFETY; AND

25 (3) PROVIDE COST-EFFECTIVE CARE BY ENABLING THESE INDIVIDUALS
26 TO RECEIVE BENEFITS EXPEDITIOUSLY ON THEIR RELEASE FROM INCARCERATION.

27 9-704.

28 IT SHALL BE THE POLICY OF THE STATE:

29 (1) TO FACILITATE, TO THE FULL EXTENT PERMITTED BY FEDERAL LAW,
30 THE SUSPENSION RATHER THAN TERMINATION OF FEDERAL BENEFITS WHEN AN
31 INDIVIDUAL WITH PSYCHIATRIC DISABILITIES IS INCARCERATED, AND TO EXPEDITE
32 THE RESTORATION OF BENEFITS ON THE INDIVIDUAL'S RELEASE;

33 (2) TO ASSIST INMATES WITH PSYCHIATRIC DISABILITIES WHOSE
34 ELIGIBILITY FOR SSI, SSDI, OR MEDICAID BENEFITS WAS TERMINATED WHILE
35 INCARCERATED OR WHO WERE NOT RECEIVING BENEFITS AT THE TIME OF
36 INCARCERATION TO APPLY, WHILE INCARCERATED, TO RECEIVE BENEFITS ON
37 RELEASE;

1 (3) FOR CORRECTIONAL AGENCIES TO ENTER INTO PRE-RELEASE
2 AGREEMENTS WITH THE SOCIAL SECURITY ADMINISTRATION AND TO OTHERWISE
3 FACILITATE PARTICIPATION BY INMATES WITH PSYCHIATRIC DISABILITIES IN
4 FEDERAL BENEFIT PROGRAMS ON THEIR RELEASE FROM INCARCERATION; AND

5 (4) TO OFFER INDIVIDUALS WITH PSYCHIATRIC DISABILITIES
6 TEMPORARY MEDICAID ELIGIBILITY AND TEMPORARY INCOME SUPPORT WHEN
7 RELEASED FROM INCARCERATION WHILE THEIR APPLICATIONS FOR FEDERAL
8 BENEFITS ARE PENDING.

9 9-705.

10 (A) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL ADOPT
11 REGULATIONS ENSURING THAT:

12 (1) WHEN AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY WHO IS
13 RECEIVING MEDICAID IS INCARCERATED:

14 (I) THE INDIVIDUAL'S ELIGIBILITY FOR MEDICAID WILL BE
15 SUSPENDED RATHER THAN TERMINATED, AND WILL REMAIN SUSPENDED RATHER
16 THAN TERMINATED FOR AS LONG AS PERMITTED BY FEDERAL LAW; AND

17 (II) THE INDIVIDUAL WILL NOT BE TERMINATED FROM THE
18 MEDICAID PROGRAM UNLESS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
19 DETERMINES THAT THE INDIVIDUAL:

20 1. NO LONGER MEETS THE ELIGIBILITY CRITERIA UNDER
21 WHICH THE INDIVIDUAL HAD QUALIFIED; AND

22 2. IS NOT ELIGIBLE FOR MEDICAID UNDER ANY OTHER
23 ELIGIBILITY CATEGORY;

24 (2) AN INDIVIDUAL WHOSE MEDICAID ELIGIBILITY IS SUSPENDED IS
25 PLACED ON AN INACTIVE STATUS SO THAT:

26 (I) THE INDIVIDUAL REMAINS ELIGIBLE FOR MEDICAID AND
27 CONTINUES TO BE ENROLLED IN MEDICAID; BUT

28 (II) MEDICAID BENEFITS ARE NOT PAYABLE FOR SERVICES
29 PROVIDED; AND

30 (3) WHEN AN INDIVIDUAL WHOSE MEDICAID ELIGIBILITY IS
31 SUSPENDED IS RELEASED FROM INCARCERATION, THE INDIVIDUAL'S ELIGIBILITY
32 WILL BE FULLY RESTORED ON THE DAY OF RELEASE UNLESS THE DEPARTMENT OF
33 HEALTH AND MENTAL HYGIENE DETERMINES THAT THE INDIVIDUAL IS NO LONGER
34 ELIGIBLE.

35 (B) (1) THE DEPARTMENT SHALL SEEK TO ENSURE:

1 (I) AN EXPEDITED RESTORATION OF BENEFITS OF INMATES WITH
2 PSYCHIATRIC DISABILITIES WHOSE ELIGIBILITY FOR SSI OR SSDI HAS BEEN
3 SUSPENDED DURING INCARCERATION; AND

4 (II) THAT CASH BENEFITS UNDER SSI AND SSDI ARE REINSTATED
5 IN THE MONTH OF RELEASE.

6 (2) THE DEPARTMENT SHALL:

7 (I) IDENTIFY INMATES WITH PSYCHIATRIC DISABILITIES WHOSE
8 SSI OR SSDI WAS SUSPENDED DURING INCARCERATION;

9 (II) INQUIRE AS TO WHETHER THE INMATES WANT TO RECEIVE
10 BENEFITS WHEN RELEASED; AND

11 (III) FOR THOSE INMATES WHO WANT TO RECEIVE BENEFITS,
12 ENSURE THAT:

13 1. APPLICATIONS FOR REINSTATEMENT OF SSI OR SSDI ON
14 RELEASE ARE FILED ON BEHALF OF THE INMATE AS SOON AS POSSIBLE FOLLOWING
15 SUSPENSION; AND

16 2. ALL APPLICANTS FOR REINSTATEMENT LEAVE THE
17 CORRECTIONAL INSTITUTION WITH A COPY OF THE APPLICATION.

18 9-706.

19 (A) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

20 (I) ESTABLISH PROCEDURES FOR RECEIVING MEDICAID
21 APPLICATIONS ON BEHALF OF INCARCERATED INDIVIDUALS WITH PSYCHIATRIC
22 DISABILITIES IN ANTICIPATION OF THEIR RELEASE; AND

23 (II) EXPEDITIOUSLY REVIEW THE APPLICATIONS AND, TO THE
24 EXTENT PRACTICABLE, COMPLETE THE REVIEW BEFORE THE INDIVIDUAL IS
25 RELEASED.

26 (2) A REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION
27 SHALL BE COMPLETED WITHIN 14 DAYS OF RECEIPT OF THE APPLICATION BY THE
28 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

29 (3) (I) IN CONDUCTING THE REVIEW, THE DEPARTMENT OF HEALTH
30 AND MENTAL HYGIENE SHALL ASSESS WHETHER THE INDIVIDUAL IS ELIGIBLE TO
31 BE ENROLLED IN MEDICAID OR IS AN INDIVIDUAL LIKELY TO BE ELIGIBLE ON
32 RELEASE.

33 (II) IF THE INDIVIDUAL IS ELIGIBLE TO BE ENROLLED WHILE
34 INCARCERATED, THE INDIVIDUAL WILL BE:

35 1. ENROLLED BUT PLACED ON SUSPENDED STATUS; AND

1 1. APPLICATIONS ARE FILED ON BEHALF OF THE INMATE
2 PRIOR TO RELEASE AND, TO THE EXTENT PRACTICABLE, AT LEAST 90 DAYS BEFORE
3 RELEASE; AND

4 2. ALL APPLICANTS FOR BENEFITS ARE PROVIDED WITH A
5 COPY OF THE APPLICATION ON RELEASE FROM THE CORRECTIONAL INSTITUTION.

6 9-707.

7 (A) THE DEPARTMENT SHALL NEGOTIATE PRE-RELEASE AGREEMENTS WITH
8 THE SOCIAL SECURITY ADMINISTRATION THAT WILL ENSURE:

9 (1) EXPEDITED CONSIDERATION BY THE SOCIAL SECURITY
10 ADMINISTRATION OF NEW APPLICATIONS FOR, AND APPLICATIONS FOR THE
11 REINSTATEMENT OF, SSI OR SSDI ON BEHALF OF INDIVIDUALS WITH PSYCHIATRIC
12 DISABILITIES; AND

13 (2) ONCE NEGOTIATED, EACH PRE-RELEASE AGREEMENT SHALL BE
14 IMPLEMENTED AS SOON AS PRACTICABLE.

15 (B) (1) THE DEPARTMENT SHALL PROVIDE STAFF TO ENSURE THAT
16 APPLICATIONS FOR SSI, SSDI, AND MEDICAID ARE FILED AND UPDATED AS NEEDED.

17 (2) THE DEPARTMENT'S STAFF SHALL:

18 (I) WITH THE ASSISTANCE OF THE APPLICANT, COMPLETE
19 REQUIRED FORMS FOR THE APPLICANT WITH A PSYCHIATRIC DISABILITY;

20 (II) WITH THE CONSENT OF THE APPLICANT, SECURE MEDICAL
21 AND OTHER INFORMATION REQUIRED TO SUPPORT APPLICATIONS; AND

22 (III) SUBMIT APPLICATIONS TO THE APPROPRIATE AGENCY OFFICE.

23 (3) THE STAFF MAY BE PROVIDED THROUGH CONTRACTS WITH LOCAL
24 MENTAL HEALTH AGENCIES OR PROVIDERS.

25 (4) (I) WITH THE PERMISSION OF THE APPLICANT, A COPY OF EACH
26 APPLICATION SHALL BE PROVIDED TO A FAMILY MEMBER DESIGNATED BY THE
27 APPLICANT AND TO ANY MENTAL HEALTH CASE MANAGER WHO WILL WORK WITH
28 THE INDIVIDUAL ON RELEASE.

29 (II) PERMISSION TO PROVIDE A COPY OF THE APPLICATION TO A
30 PARENT IS NOT REQUIRED IN THE CASE OF A MINOR UNDER THE AGE OF 16.

31 9-708.

32 (A) (1) AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY SHALL BE
33 QUALIFIED TO RECEIVE A TEMPORARY MEDICAID CARD ON RELEASE FROM
34 INCARCERATION IF:

1 (I) THE INDIVIDUAL IS NOT RECEIVING MEDICAID-FUNDED
2 SERVICES;

3 (II) THE INDIVIDUAL IS AN INDIVIDUAL LIKELY TO BE ELIGIBLE
4 FOR MEDICAID; AND

5 (III) AN APPLICATION FOR SSI OR MEDICAID WAS FILED ON BEHALF
6 OF THE INDIVIDUAL WHILE THE INDIVIDUAL WAS INCARCERATED OR WITHIN 3
7 MONTHS AFTER THE INDIVIDUAL'S RELEASE.

8 (2) (I) AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY MAY APPLY
9 FOR A TEMPORARY MEDICAID CARD WHILE INCARCERATED OR WITHIN 3 MONTHS
10 AFTER RELEASE.

11 (II) THE APPLICATION MAY BE MADE BY SUBMITTING TO THE
12 DEPARTMENT OF HUMAN RESOURCES AN APPLICATION FOR MEDICAID, A COPY OF
13 AN APPLICATION FOR SSI SUBMITTED ON THE INDIVIDUAL'S BEHALF, OR OTHER
14 DOCUMENTATION CONSIDERED SUITABLE BY THE DEPARTMENT OF HUMAN
15 RESOURCES.

16 (3) (I) WITHIN 14 DAYS OF SUBMISSION OF THE APPLICATION, THE
17 DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DETERMINE WHETHER THE
18 INDIVIDUAL IS QUALIFIED TO RECEIVE A TEMPORARY MEDICAID CARD AND, IF SO,
19 SHALL IMMEDIATELY ISSUE A TEMPORARY MEDICAID CARD TO THE INDIVIDUAL.

20 (II) IF THE INDIVIDUAL IS INCARCERATED, THE CARD SHALL
21 ENTITLE THE INDIVIDUAL TO RECEIVE BENEFITS UNDER MEDICAID EFFECTIVE ON
22 THE INDIVIDUAL'S RELEASE.

23 (III) IF THE INDIVIDUAL HAS ALREADY BEEN RELEASED, THE CARD
24 WILL BE EFFECTIVE IMMEDIATELY.

25 (4) (I) IF AN INDIVIDUAL QUALIFIES FOR A TEMPORARY MEDICAID
26 CARD, THE INDIVIDUAL IS ENTITLED TO RECEIVE COVERED MEDICAID SERVICES
27 FROM CERTIFIED MEDICAID PROVIDERS FOR A PERIOD OF 6 MONTHS.

28 (II) FOR INDIVIDUALS FOUND QUALIFIED WHILE INCARCERATED,
29 THE 6 MONTHS BEGINS ON RELEASE.

30 (III) FOR INDIVIDUALS FOUND QUALIFIED AFTER RELEASE, THE 6
31 MONTHS BEGINS ON THE DATE OF THAT DETERMINATION.

32 (IV) THE 6-MONTH TERM MAY BE RENEWED AT THE OPTION OF THE
33 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

34 (5) A TEMPORARY MEDICAID CARD SHALL BE VOID IF, PRIOR TO THE
35 END OF A 6-MONTH TERM, IT IS DETERMINED THAT:

36 (I) THE INDIVIDUAL IS NOT ELIGIBLE FOR THE SSI PROGRAM; AND

1 (II) THE INDIVIDUAL IS NOT ELIGIBLE FOR MEDICAID UNDER ANY
2 OTHER MEDICAID ELIGIBILITY CATEGORY.

3 (6) (I) TO THE EXTENT PERMITTED BY FEDERAL LAW, THE STATE MAY
4 CLAIM REIMBURSEMENT UNDER MEDICAID FOR PAYMENTS MADE FOR CARE
5 PROVIDED TO AN INDIVIDUAL TO WHOM A TEMPORARY MEDICAID CARD HAS BEEN
6 ISSUED.

7 (II) THE STATE MAY NOT RECOUP ANY COSTS FROM THE
8 INDIVIDUAL, EVEN IF THE INDIVIDUAL IS FOUND INELIGIBLE FOR MEDICAID.

9 (B) (1) AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY SHALL BE
10 QUALIFIED FOR TEMPORARY INCOME SUPPORT ON RELEASE FROM INCARCERATION
11 IF:

12 (I) THE INDIVIDUAL IS NOT RECEIVING SSI OR SSDI;

13 (II) THE INDIVIDUAL IS AN INDIVIDUAL LIKELY TO BE ELIGIBLE
14 FOR SSI OR SSDI; AND

15 (III) AN APPLICATION FOR SSI OR SSDI WAS FILED ON BEHALF OF
16 THE INDIVIDUAL WHILE THE INDIVIDUAL WAS INCARCERATED OR WITHIN 3
17 MONTHS AFTER THE INDIVIDUAL'S RELEASE.

18 (2) (I) AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY MAY APPLY
19 FOR TEMPORARY INCOME SUPPORT WHILE INCARCERATED OR WITHIN 3 MONTHS
20 AFTER RELEASE.

21 (II) THE APPLICATION MAY BE MADE BY SUBMITTING TO THE
22 DEPARTMENT OF HUMAN RESOURCES A COPY OF AN APPLICATION FOR SSI OR SSDI
23 BENEFITS, OR OTHER DOCUMENTATION CONSIDERED SUITABLE BY THE
24 DEPARTMENT OF HUMAN RESOURCES.

25 (III) WITHIN 14 DAYS OF SUBMISSION OF THE APPLICATION, THE
26 DEPARTMENT OF HUMAN RESOURCES WILL DETERMINE WHETHER THE INDIVIDUAL
27 IS QUALIFIED TO RECEIVE TEMPORARY INCOME SUPPORT.

28 (3) (I) TEMPORARY INCOME SUPPORT SHALL BE PAID MONTHLY IN AN
29 AMOUNT EQUAL TO THE AVERAGE SSI PAYMENT IN THE STATE.

30 (II) TEMPORARY INCOME SUPPORT PAYMENTS SHALL BE MADE
31 FOR A PERIOD OF 6 MONTHS.

32 (III) FOR INDIVIDUALS FOUND QUALIFIED WHILE INCARCERATED,
33 THE 6 MONTHS BEGINS ON RELEASE.

34 (IV) FOR INDIVIDUALS FOUND QUALIFIED AFTER RELEASE, THE 6
35 MONTHS BEGINS ON THE DATE OF THAT DETERMINATION.

1 (V) THE 6-MONTH TERM MAY BE RENEWED AT THE OPTION OF THE
2 DEPARTMENT OF HUMAN RESOURCES.

3 (VI) PAYMENTS MAY BE TERMINATED BEFORE THE END OF A
4 6-MONTH TERM IF THE SOCIAL SECURITY ADMINISTRATION MAKES A FINAL
5 DETERMINATION THAT THE INDIVIDUAL IS NOT ELIGIBLE TO RECEIVE THE FEDERAL
6 BENEFITS FOR WHICH THE INDIVIDUAL APPLIED.

7 (4) (I) TO THE EXTENT PERMITTED BY FEDERAL LAW, THE STATE MAY
8 RECOUP THE TEMPORARY INCOME SUPPORT FROM SSI OR SSDI BACK BENEFITS
9 ISSUED BY THE SOCIAL SECURITY ADMINISTRATION.

10 (II) THE STATE MAY NOT OTHERWISE RECOUP ANY PAYMENTS OF
11 TEMPORARY INCOME SUPPORT FROM THE INDIVIDUAL, EVEN IF THE INDIVIDUAL IS
12 FOUND INELIGIBLE FOR SSI OR SSDI.

13 9-709.

14 (A) THE DEPARTMENT SHALL ARRANGE FOR ADULTS AND EMANCIPATED
15 YOUTH WITH PSYCHIATRIC DISABILITIES TO HAVE PHOTO IDENTIFICATION WHEN
16 THEY ARE RELEASED FROM INCARCERATION.

17 (B) THE DEPARTMENT SHALL ENSURE THAT INMATES WHO LACK PHOTO
18 IDENTIFICATION ARE ISSUED A PHOTO IDENTIFICATION CARD BEFORE OR
19 IMMEDIATELY ON RELEASE.

20 (C) THE PHOTO IDENTIFICATION CARD:

21 (1) MAY NOT DISCLOSE THE INDIVIDUAL'S INCARCERATION OR
22 CRIMINAL RECORD; AND

23 (2) SHALL LIST AN ADDRESS OTHER THAN A CORRECTIONAL
24 INSTITUTION.

25 9-710.

26 (A) (1) THE STATE SHALL ENSURE THAT INMATES HAVE ACCESS TO
27 MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES WHILE INCARCERATED.

28 (2) (I) UPON RELEASE, THE DEPARTMENT SHALL BE RESPONSIBLE
29 FOR THE PROVISION OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES FOR
30 MEDICAID AND MEDICAID INELIGIBLE INDIVIDUALS WHO MEET OR ARE LIKELY TO
31 MEET THE ELIGIBILITY CRITERIA FOR THE PUBLIC MENTAL HEALTH SYSTEM.

32 (II) THE MENTAL HYGIENE ADMINISTRATION SHALL BE
33 RESPONSIBLE FOR PROVIDING THE CASE MANAGEMENT SERVICES DESCRIBED IN
34 SUBSECTION (C) OF THIS SECTION TO MEDICAID AND MEDICAID INELIGIBLE
35 INDIVIDUALS WHO MEET OR ARE LIKELY TO MEET THE ACCESS CRITERIA FOR THE
36 PUBLIC MENTAL HEALTH SYSTEM.

1 (III) TO AID AN INDIVIDUAL'S TRANSITION TO COMMUNITY LIVING,
 2 THE MENTAL HYGIENE ADMINISTRATION SHALL PROVIDE FUNDING TO CORE
 3 SERVICE AGENCIES OR THE CAPACITY FOR PROVIDER REIMBURSEMENT THROUGH
 4 THE PUBLIC MENTAL HEALTH SYSTEM FEE SCHEDULE, TO ENSURE THE
 5 AVAILABILITY OF CASE MANAGEMENT SERVICES AS DESCRIBED IN SUBSECTION (C)
 6 OF THIS SECTION.

7 (3) THE AGENCIES LISTED IN PARAGRAPH (2) OF THIS SUBSECTION MAY
 8 ARRANGE FOR SERVICES TO BE PROVIDED THROUGH CONTRACTS WITH COMMUNITY
 9 MENTAL HEALTH AGENCIES OR COMMUNITY MENTAL HEALTH PROVIDERS.

10 (B) (1) WHILE INCARCERATED, AN INDIVIDUAL WITH A PSYCHIATRIC
 11 DISABILITY SHALL HAVE ACCESS TO MEDICALLY NECESSARY MENTAL HEALTH
 12 SERVICES, INCLUDING SUBSTANCE ABUSE AND CRISIS SERVICES.

13 (2) AT THE TIME OF RELEASE, AN INDIVIDUAL WITH A PSYCHIATRIC
 14 DISABILITY SHALL BE PROVIDED A 14-DAY SUPPLY OF THE PSYCHIATRIC
 15 MEDICATIONS THE INDIVIDUAL WAS TAKING PRIOR TO RELEASE.

16 (3) AN INDIVIDUAL WITH PSYCHIATRIC DISABILITY SHALL BE GIVEN
 17 ACCESS ON RELEASE TO MEDICAID-COVERED SERVICES AS PROVIDED IN §§ 9-705,
 18 9-706, AND 9-707 OF THIS SUBTITLE.

19 (C) (1) TO AID IN AN INDIVIDUAL'S TRANSITION TO COMMUNITY LIVING,
 20 THE MENTAL HYGIENE ADMINISTRATION SHALL PROVIDE TO AN INCARCERATED
 21 INDIVIDUAL WITH A PSYCHIATRIC DISABILITY CASE MANAGEMENT SERVICES WELL
 22 IN ADVANCE OF THE INDIVIDUAL'S RELEASE, TO THE EXTENT PRACTICABLE, AND IF
 23 POSSIBLE, AT LEAST 90 DAYS BEFORE RELEASE.

24 (2) A CASE MANAGER SHALL WORK WITH THE INDIVIDUAL TO IDENTIFY
 25 SERVICES AND SUPPORTS THAT THE INDIVIDUAL DESIRES AND NEEDS ON RETURN
 26 TO COMMUNITY LIVING.

27 (3) AS DESIRED BY THE INDIVIDUAL, THE CASE MANAGER SHALL:

28 (I) HELP ARRANGE FOR NEEDED SHELTER, MENTAL HEALTH AND
 29 SUBSTANCE ABUSE SERVICES, AND OTHER SUPPORTS TO BE PROVIDED TO THE
 30 INDIVIDUAL ON RELEASE; AND

31 (II) HELP THE INDIVIDUAL ACCESS FEDERAL BENEFIT PROGRAMS
 32 ON RELEASE, INCLUDING THE UPDATING OF BENEFIT APPLICATIONS.

33 9-711.

34 IF IMPLEMENTATION OF ANY REGULATION OR POLICY ANTICIPATED BY THIS
 35 SUBTITLE REQUIRES AN AMENDMENT TO THE STATE MEDICAID PLAN, THE
 36 DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL USE ITS BEST EFFORTS TO
 37 OBTAIN FEDERAL APPROVAL OF THE AMENDMENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.