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**SENATE BILL 5128**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator C. Wilson

Prefiled 01/02/25.

1 AN ACT Relating to the provision of medical assistance to  
2 individuals in juvenile detention facilities; amending RCW 74.09.555  
3 and 9.94.049; reenacting and amending RCW 74.09.670; creating new  
4 sections; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 74.09.670 and 2021 c 243 s 2 and 2021 c 166 s 2 are  
7 each reenacted and amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, when  
9 the authority receives information that a person enrolled in medical  
10 assistance is confined in a setting in which federal financial  
11 participation is disallowed by the state's agreements with the  
12 federal government, the authority shall suspend, rather than  
13 terminate, medical assistance benefits for these persons, including  
14 those who are (~~incarcerated~~): Incarcerated in a correctional  
15 institution as defined in RCW 9.94.049, confined in an institution or  
16 facility operated by the department of children, youth, and families,  
17 confined in a county juvenile detention facility, or committed to a  
18 state hospital or other treatment facility. A person who is not  
19 currently enrolled in medical assistance must be allowed to apply for  
20 medical assistance in suspense status during confinement, and the

1 ability to apply may not depend upon knowledge of the release or  
2 discharge date of the person.

3 (2) (a) During the first 29 days of a person's incarceration or  
4 confinement in a correctional institution, as defined in RCW  
5 9.94.049, in an institution or facility operated by the department of  
6 children, youth, and families, or in a county juvenile detention  
7 facility:

8 (i) A person's incarceration or confinement status may not affect  
9 the person's enrollment in medical assistance if the person was  
10 enrolled in medical assistance at the time of incarceration or  
11 confinement; and

12 (ii) A person not enrolled in medical assistance at the time of  
13 incarceration or confinement must have the ability to apply for  
14 medical assistance during incarceration or confinement, which may not  
15 depend on knowledge of the release date of the person. If the person  
16 is enrolled in medical assistance during the first 29 days of the  
17 person's incarceration or confinement, the person's incarceration or  
18 confinement status may not affect the person's enrollment in medical  
19 assistance.

20 (b) After the first 29 days of the person's incarceration or  
21 confinement, the person's medical assistance status is subject to  
22 suspension or application in suspense status under subsection (1) of  
23 this section.

24 (3) "Detention facility" has the same meaning as defined in RCW  
25 13.40.020.

26 **Sec. 2.** RCW 74.09.555 and 2021 c 243 s 3 are each amended to  
27 read as follows:

28 (1) The authority shall adopt rules and policies providing that  
29 when persons who were enrolled in medical assistance immediately  
30 prior to confinement, or who become enrolled in medical assistance in  
31 suspense status during the period of confinement, are released from  
32 confinement, their medical assistance coverage shall be fully  
33 reinstated no later than at the moment of their release, subject to  
34 any expedited review of their continued eligibility for medical  
35 assistance coverage that is required under federal or state law. The  
36 authority may reinstate medical assistance prior to the day of  
37 release provided that no federal funds are expended for any purpose  
38 that is not authorized by the state's agreements with the federal  
39 government.

1 (2) The authority, in collaboration with the Washington  
2 association of sheriffs and police chiefs, the department of  
3 corrections, the department of children, youth, and families, managed  
4 care organizations, county juvenile detention facilities, and  
5 behavioral health administrative services organizations, shall  
6 establish procedures for coordination between the authority and  
7 department field offices, institutions for mental disease, (~~and~~)  
8 correctional institutions, as defined in RCW 9.94.049, institutions  
9 or facilities operated by the department of children, youth, and  
10 families, and county juvenile detention facilities, that result in  
11 prompt reinstatement of eligibility and speedy eligibility  
12 determinations for medical assistance services upon release from  
13 confinement. Procedures developed under this subsection must address:

14 (a) Mechanisms for receiving medical assistance services  
15 applications on behalf of confined persons in anticipation of their  
16 release from confinement;

17 (b) Expeditious review of applications filed by or on behalf of  
18 confined persons and, to the extent practicable, completion of the  
19 review before the person is released;

20 (c) Mechanisms for providing medical assistance services identity  
21 cards to persons eligible for medical assistance services before  
22 their release from confinement;

23 (d) Coordination with the federal social security administration,  
24 through interagency agreements or otherwise, to expedite processing  
25 of applications for federal supplemental security income or social  
26 security disability benefits, including federal acceptance of  
27 applications on behalf of confined persons; and

28 (e) Assuring that notification of the person's release date,  
29 current location, and other appropriate information is provided to  
30 the person's managed care organization before the person's scheduled  
31 release from confinement, or as soon as practicable thereafter.

32 (3) Where medical or psychiatric examinations during a person's  
33 confinement indicate that the person is disabled, the correctional  
34 institution (~~or~~), institution for mental diseases, institution or  
35 facility operated by the department of children, youth, and families,  
36 or county juvenile detention facility shall provide the authority  
37 with that information for purposes of making medical assistance  
38 eligibility and enrollment determinations prior to the person's  
39 release from confinement. The authority shall, to the maximum extent  
40 permitted by federal law, use the examination in making its

1 determination whether the person is disabled and eligible for medical  
2 assistance.

3 (4) For purposes of this section, "confined" or "confinement"  
4 means incarcerated in a correctional institution, as defined in RCW  
5 9.94.049, held in an institution or facility operated by the  
6 department of children, youth, and families or a county juvenile  
7 detention facility, or admitted to an institute for mental disease,  
8 as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

9 (5) The economic services administration within the department  
10 shall adopt standardized statewide screening and application  
11 practices and forms designed to facilitate the application of a  
12 confined person for medicaid.

13 **Sec. 3.** RCW 9.94.049 and 2021 c 243 s 5 are each amended to read  
14 as follows:

15 (1) For the purposes of this chapter, the term "correctional  
16 institution" means any place designated by law for the keeping of  
17 persons held in custody under process of law, or under lawful arrest,  
18 including state prisons, county and local jails, (~~juvenile detention~~  
19 ~~centers,~~) and other facilities operated by the department of  
20 corrections (~~, department of children, youth, and families,~~) or  
21 local governmental units primarily for the purposes of punishment,  
22 correction, or rehabilitation following conviction (~~or~~  
23 ~~adjudication~~) of a criminal offense.

24 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state  
25 correctional institution" means all state correctional facilities  
26 under the supervision of the secretary of the department of  
27 corrections used solely for the purpose of confinement of convicted  
28 felons.

29 NEW SECTION. **Sec. 4.** The health care authority shall  
30 collaborate with managed care organizations, the department of  
31 children, youth, and families, and detention facilities, as defined  
32 in RCW 13.40.020, to implement section 5121 of the Consolidated  
33 Appropriations Act of 2023 (Public Law 117-328) that requires the  
34 provision of:

35 (1) Screening and diagnostic services to eligible juveniles in  
36 the 30 days prior to release, or not later than one week or as soon  
37 as practicable after release; and

1 (2) Targeted case management services for a minimum of 30 days  
2 prior to release and for at least 30 days or as medically necessary  
3 following release to connect juveniles with services and providers in  
4 the geographic area where the eligible juvenile will be residing upon  
5 release, when possible.

6 NEW SECTION. **Sec. 5.** The health care authority shall leverage  
7 existing resources, development plans, and funding as part of its  
8 other medical assistance programs, including the section 1115  
9 demonstration waiver and reentry services initiative approved by the  
10 federal department of health and human services on June 30, 2023.

11 NEW SECTION. **Sec. 6.** By December 1, 2025, and in compliance  
12 with RCW 43.01.036, the health care authority shall submit a report  
13 to the governor and the legislature on:

14 (1) The status of the authority's operational plan to implement  
15 section 5121 of the Consolidated Appropriations Act of 2023 (Public  
16 Law 117-328);

17 (2) A summary of the authority's collaboration efforts with  
18 managed care organizations, the department of children, youth, and  
19 families, and detention facilities as defined in RCW 13.40.020, and  
20 the identification of any barriers or challenges to providing  
21 services to eligible juveniles across the state; and

22 (3) The feasibility of providing coverage for optional services  
23 under section 5122 of the Consolidated Appropriations Act of 2023  
24 (Public Law 117-328) for the full period of incarceration pending  
25 disposition of charges.

26 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act expire  
27 July 1, 2026.

28 NEW SECTION. **Sec. 8.** If any part of this act is found to be in  
29 conflict with federal requirements that are a prescribed condition to  
30 the allocation of federal funds to the state, the conflicting part of  
31 this act is inoperative solely to the extent of the conflict and with  
32 respect to the agencies directly affected, and this finding does not  
33 affect the operation of the remainder of this act in its application  
34 to the agencies concerned. Rules adopted under this act must meet

1 federal requirements that are a necessary condition to the receipt of  
2 federal funds by the state.

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