

A bill for an act

relating to human services; allowing incarcerated individuals remain eligible for medical assistance until conviction; amending Minnesota Statutes 2006, section 256B.055, subdivision 14.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 256B.055, subdivision 14, is amended to read:

Subd. 14. **Persons detained by law.** (a) Medical assistance may be paid for an inmate of a correctional facility who is conditionally released as authorized under section 241.26, 244.065, or 631.425, if the individual does not require the security of a public detention facility and is housed in a halfway house or community correction center, or under house arrest and monitored by electronic surveillance in a residence approved by the commissioner of corrections, and if the individual meets the other eligibility requirements of this chapter.

(b) An individual who is eligible for medical assistance, and who is charged with a crime and incarcerated but not convicted, continues to be eligible for medical assistance. Medical assistance must be suspended at the time of incarceration as required under paragraph (c). Upon release, the individual continues to be eligible for medical assistance, without reapplication, until the individual's next redetermination review.

~~(b)~~ (c) An individual, regardless of age, who is considered an inmate of a public institution as defined in Code of Federal Regulations, title 42, section 435.1009, is not eligible for ~~medical assistance~~ federal funds under the Medicaid program.

Sec. 2. **FEDERAL WAIVER.**

**S.F. No. 1387, 1st Engrossment - 85th Legislative Session (2007-2008)**

2.1            The commissioner of human services shall request a federal waiver to implement  
2.2            Minnesota Statutes, section 256B.055, subdivision 14, paragraph (b).

2.3            **EFFECTIVE DATE.** This section is effective July 1, 2007, or upon federal  
2.4            approval, whichever is later.