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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4363

03/11/2020

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The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act

1.2 relating to human services; providing state-funded medical assistance and

1.3 MinnesotaCare coverage for inmates of county jails; amending Minnesota Statutes

1.4 2018, sections 256B.055, subdivision 14; 256L.04, subdivision 12; 641.15,

1.5 subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 256B.055, subdivision 14, is amended to read:

1.8 Subd. 14. **Persons detained by law.** (a) Medical assistance may be paid for an inmate

1.9 of a correctional facility who is conditionally released as authorized under section 241.26,

1.10 244.065, or 631.425, if the individual does not require the security of a public detention

1.11 facility and is housed in a halfway house or community correction center, or under house

1.12 arrest and monitored by electronic surveillance in a residence approved by the commissioner

1.13 of corrections, and if the individual meets the other eligibility requirements of this chapter.

1.14 (b) An individual who is enrolled in medical assistance, and who is charged with a crime

1.15 and incarcerated for less than 12 months shall be suspended from eligibility at the time of

1.16 incarceration until the individual is released. Upon release, medical assistance eligibility is

1.17 reinstated without reapplication using a reinstatement process and form, if the individual is

1.18 otherwise eligible.

1.19 (c) An individual, regardless of age, who is considered an inmate of a public institution

1.20 as defined in Code of Federal Regulations, title 42, section 435.1010, and who meets the

1.21 eligibility requirements in section 256B.056, is not eligible for federally funded medical

1.22 assistance, except for covered services received while an inpatient in a medical institution

1.23 as defined in Code of Federal Regulations, title 42, section 435.1010, but is eligible for

2.1 medical assistance without federal financial participation if the individual is an inmate of
2.2 a county jail. Security issues, including costs, related to the inpatient treatment of an inmate
2.3 are the responsibility of the entity with jurisdiction over the inmate.

2.4 Sec. 2. Minnesota Statutes 2018, section 256L.04, subdivision 12, is amended to read:

2.5 Subd. 12. **Persons in detention.** (a) An applicant or enrollee residing in a correctional
2.6 or detention facility is not eligible for MinnesotaCare, unless the applicant or enrollee is
2.7 awaiting disposition of charges, and except as provided in paragraph (b).

2.8 (b) An applicant or enrollee residing as an inmate in a county jail is eligible for
2.9 state-funded MinnesotaCare, if all other MinnesotaCare eligibility requirements are met.

2.10 Sec. 3. Minnesota Statutes 2018, section 641.15, subdivision 2, is amended to read:

2.11 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
2.12 pay the costs of medical services provided to prisoners pursuant to this section. The amount
2.13 paid by the county board for a medical service shall not exceed the maximum allowed
2.14 medical assistance payment rate for the service, as determined by the commissioner of
2.15 human services. In the absence of a health or medical insurance or health plan that has a
2.16 contractual obligation with the provider or the prisoner, medical providers shall charge no
2.17 higher than the rate negotiated between the county and the provider. In the absence of an
2.18 agreement between the county and the provider, the provider may not charge an amount
2.19 that exceeds the maximum allowed medical assistance payment rate for the service, as
2.20 determined by the commissioner of human services. The county is entitled to reimbursement
2.21 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
2.22 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
2.23 incur co-payment obligations for health care services provided by a county correctional
2.24 facility. The county board shall determine the co-payment amount. Notwithstanding any
2.25 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
2.26 by the county, to the extent possible. If there is a disagreement between the county and a
2.27 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
2.28 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
2.29 If a prisoner is covered by health or medical insurance or other health plan when medical
2.30 services are provided, the medical provider shall bill that health or medical insurance or
2.31 other plan. If the county providing the medical services for a prisoner that has coverage
2.32 under health or medical insurance or other plan, that county has a right of subrogation to
2.33 be reimbursed by the insurance carrier for all sums spent by it for medical services to the

3.1 prisoner that are covered by the policy of insurance or health plan, in accordance with the
3.2 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
3.3 health plan. The county may maintain an action to enforce this subrogation right. The county
3.4 does not have a right of subrogation against the medical assistance program. A county may
3.5 assist inmates of county jails in applying for medical assistance without federal financial
3.6 participation under section 256B.055, subdivision 14, and state-funded MinnesotaCare
3.7 under section 256L.04, subdivision 12.