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HOUSE BILL NO. 1919

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 32.1-325.04 of the Code of Virginia, relating to pregnant inmates; coverage through state plan for medical assistance.

Patrons—Williams Graves, Adams, D.M., Bourne, Clark, Glass, Guzman, Hope, Kory, Lopez, Price, Simon and Willett

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-325.04 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-325.04. Eligibility for medical assistance; individuals confined in state correctional facilities.**

A. The Department shall coordinate with the Department of Corrections to identify persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance or who may be eligible for services under the state plan for medical assistance upon release and shall, prior to the release of such persons, (i) review the eligibility of currently enrolled persons to ensure continued access to medical assistance upon release or (ii) enroll persons not previously enrolled who meet eligibility criteria in the Commonwealth's program of medical assistance services; however, no services under the state plan for medical assistance shall be furnished to any person while he is confined in a state correctional facility unless federal financial participation is available to pay for the cost of the services provided.

B. *Notwithstanding the provisions of subsection A, if a person confined in a state correctional facility is pregnant, gives birth during such confinement, is enrolled in the state plan for medical assistance, and would otherwise be eligible for coverage under the state plan for medical assistance for a 24-hour inpatient stay at a medical institution but for the fact that such person's stay was less than 24 hours, the cost of such person's birth shall be covered by state funds. The Department shall, in coordination with the Department of Corrections, identify persons confined in state correctional facilities who are enrolled in or may be eligible for services under the state plan for medical assistance and provide information to such persons regarding any steps necessary to obtain coverage for child birth prior to the person's release on medical furlough for the purpose of giving birth.*

C. An individual who is enrolled in the Commonwealth's program of medical assistance services at the time of release from the custody of a state correctional facility shall be eligible for services upon release and shall continue to be eligible for services under the state plan for medical assistance until such time as the person is determined to no longer be eligible for medical assistance.

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