

Senate Bill 357

By: Senators Jones of the 10th, Butler of the 55th, Orrock of the 36th, Seay of the 34th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to suspend, rather than terminate, an
3 individual's Medicaid benefits while he or she is incarcerated; to provide for definitions; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
8 medical assistance generally, is amended by adding a new Code section to read as follows:
9 "49-4-146.4.

10 (a) As used in this Code section, the term:

11 (1) 'Inmate' means a prisoner, detainee, criminal suspect, immigration detainee, or other
12 person held, incarcerated, or detained in a place of incarceration.

13 (2) 'Place of incarceration' means any prison, probation detention center, jail, or
14 institution, including any state, federal, local, or privately operated facility, used for the
15 purpose of incarcerating criminals or detainees in this state.

16 (b) Notwithstanding any other provision of law, other than a conviction pursuant to Code
17 Section 49-4-15 or subsection (c) of Code Section 49-4-146.1, an inmate who was
18 receiving medical assistance under this article immediately prior to being admitted as an
19 inmate shall remain eligible for medical assistance while an inmate, except that no medical
20 assistance shall be furnished under this article for any care, services, or supplies provided
21 during such time as the person is an inmate; provided, however, that nothing in this Code
22 section shall be deemed as preventing the provision of medical assistance for inpatient
23 hospital services furnished to an inmate at a hospital outside of the premises of the inmate's
24 facility to the extent that federal financial participation is available for the costs of such
25 services.

26 (c) Upon release from incarceration, such person shall continue to be eligible for receipt
27 of medical assistance furnished under this article until such time as the person is otherwise
28 determined to no longer be eligible for such assistance.

29 (d) To the extent permitted by federal law, the time during which such person is an inmate
30 shall not be included in any calculation of when the person is required to recertify his or
31 her eligibility for medical assistance in accordance with this article."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.