



April 26, 2023

The Honorable Charles Schumer
Majority Leader
S-230, U.S. Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
S-221, U.S. Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Speaker of the House
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
H-204, U.S. Capitol
Washington, DC 20515

Dear Leader Schumer, Minority Leader McConnell, Speaker McCarthy, and Minority Leader Jeffries,

On behalf of the undersigned organizations, we write to respectfully request your support for bipartisan, bicameral legislation that amends the Medicaid Inmate Exclusion Policy (MIEP) to improve care coordination and provide continued access to federal health benefits for eligible individuals in local jails. The MIEP, outlined under Section 1905(a)(A) of the Social Security Act, makes no distinction between individuals housed in jails versus prisons and thus unfairly denies or revokes federal health benefits for those being housed in local jails prior to conviction. These individuals, who are pending disposition, are still presumed innocent under the United States Constitution.

The MIEP causes disruptions in health care access for justice-involved populations that are enrolled in federal programs such as Medicaid, Medicare or the Children's Health Insurance Plan (CHIP). This discontinuity in care contributes to detrimental health outcomes and increased rates of recidivism for both individuals and their communities, particularly for the over 63 of jail inmates with a substance use disorder, and the over 50 percent of jail inmates with a diagnosed mental illness. By contrast, uninterrupted health care for those who enter the criminal justice system helps to break the cycle of recidivism exacerbated by untreated physical and mental illnesses, and substance use disorders.

We urge your support for two key bills to address the MIEP, which have been reintroduced in both the U.S. Senate and House of Representatives:

- **Due Process Continuity Care Act (S. 971):** Introduced by Sens. Bill Cassidy, M.D. (R-La.), Jeff Merkley (D-Ore.), Thom Tillis (R-N.C.) and Ed Markey (D-Mass.), the bill would allow pre-trial detainees to receive Medicaid benefits at the option of the state and provide planning grant dollars to states for implementation.
- **Reentry Act (H.R. 2400/S. 1165):** Introduced by Reps. David Trone (D-Md.), Paul D. Tonko (D-N.Y.), Mike Turner (R-Ohio) and John Rutherford (R-Fla.), the bill would allow Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding

the individual's release. The bill has also been introduced in the Senate (S.1165) by Senators Tammy Baldwin (D-WI), Mike Braun (R-IN), Sherrod Brown (D-OH), and J.D. Vance (R-OH).

Our organizations stand ready to work with you to pass these critical pieces of legislation. Consistent and coordinated federal health benefits for individuals would allow for improved care, lower costs to taxpayers and long-term government expenditure, decreased crime, reduced recidivism, improved public safety and better outcomes for the overall health of our residents.

Thank you for your leadership and continued commitment to ensuring counties have the resources necessary to improve the lives of our residents.

Sincerely,



Matthew D. Chase,
Executive Director and CEO
National Association of Counties (NACo)



Jonathan F. Thompson
Executive Director and CEO
National Sheriff's Association (NSA)



Laura Cooper
Executive Director
Major Cities Chiefs Association



Megan Noland
Executive Director
Major County Sheriffs of America

CC: Senator Bill Cassidy
Senator Jeff Merkley
Senator Ed Markey
Senator Tammy Baldwin
Senator Mike Braun
Senator Sherrod Brown
Senator J.D. Vance
Representative David Trone
Representative Paul D. Tonko
Representative Mike Turner
Representative John Rutherford