



September 21, 2023

Hon. Kevin McCarthy
Speaker of the House
H-232, U.S. Capitol
Washington, D.C. 20515

Hon. Hakeem Jeffries
Minority Leader
H-204, U.S. Capitol
Washington, D.C. 20515

Hon. Cathy McMorris Rogers
Chair
Committee on Energy and Commerce
United State House of Representatives
Washington, D.C. 20515

Hon. Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Speaker McCarthy, Minority Leader Jeffries, Chair McMorris Rogers, and Ranking Member Pallone:

On behalf of the National Sheriffs' Association (NSA), the Major County Sheriffs of America (MCSA), the Major Cities Chiefs Association (MCCA), and the National Association of Counties (NACo), we thank you for continuing to focus attention on the enduring challenge substance use disorder poses to the health and safety of our communities. We appreciate the bipartisan efforts to pass the SUPPORT Act to help local communities address gaps in the treatment and recovery landscape.

However, our organizations are disappointed to see that the Due Process Continuity of Care Act (S.971/H.R.3074) and Reentry Act (S.1165/H.R.2400) were not included in the final SUPPORT Act bill the House will vote on later this week. These bills are critical to ensuring local residents have access to the addiction treatment services they desperately need and would help to reduce recidivism rates while saving countless lives. We urge leadership to swiftly pass the Due Process Continuity of Care Act and Reentry Act.

In April, our organizations wrote to Congress in strong support for these bills. That letter is enclosed. Our organizations stand ready to work with you to see these two bills over the finish line. We know that consistent and coordinated federal health benefits for local residents would allow for improved care, lower costs to taxpayers, decreased crime and overall improved public safety and better outcomes for individuals.

Sincerely,

Megan Noland
Executive Director
Major County Sheriffs of America

Jonathan Thompson
Executive Director
National Sheriffs' Association



Laura Cooper
Executive Director
Major Cities Chiefs Association



Matthew Chase
Executive Director
National Association of Counties



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