



Clatsop County

Board of Commissioners

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July 27, 2023

The Honorable Ron Wyden

United States Senate
221 Dirksen Senate Office Building
Washington DC 20510

Dear Senator Wyden,

On behalf of Clatsop County, I respectfully request your urgent support for bipartisan legislation that amends the Medicaid Inmate Exclusion Policy (MIEP). This harmful federal policy, 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 adults and juveniles that are 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 primary and behavioral 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). Not only does this discontinuity in care contribute to detrimental health outcomes for both individuals and their communities, but it also increases rates of jail recidivism. By contrast, uninterrupted health care helps those who enter the criminal justice system break the cycle of recidivism exacerbated by untreated physical and mental illnesses and substance use disorders.

Across our nation, approximately 11 million people cycle in and out of local jails each year, 60 percent of which are pre-trial detainees. The number of individuals being detained pre-adjudication has grown tremendously in the past several decades and paralleled the number of individuals in local jails that are experiencing mental illness and serious mental illness, often with co-occurring substance use disorders.

In Clatsop County, approximately 85 percent of those housed in our jail, on any given day, are pre-trial detainees. On average, 50 percent of our pre-trial detainees have a substance use disorder, 20 percent live with a mental illness, and 10 percent live with both. This isn't exclusive to Clatsop County, **our nation's jails provide critical care to individuals with a mental illness, who – without adequate community resources and continuous health care coverage – rely on the jail as de facto behavioral health hospitals and treatment facilities.**

Recent federal action has reinforced the importance of continuing care coordination for incarcerated individuals with behavioral health conditions as the FY 2023 omnibus appropriations bill included a provision to give states the option to continue Medicaid coverage for juveniles in pre-trial status. Additionally, the U.S. Department of Health and Human Services (HHS), through the Centers for Medicare and Medicaid Services (CMS), released guidance encouraging states to apply for a Medicaid section 1115 demonstration opportunity allowing incarcerated individuals to receive health services under Medicaid at least 30 days prior to release from jail or prison.

Right now, Congress can build on these significant policy advancements and pass bipartisan legislation that would greatly improve care coordination for those individuals suffering from mental health, substance use and/or other chronic health conditions by allowing continued access to federal benefits such as Medicaid, Medicare and CHIP for eligible pre-trial detainees in local jails. On behalf of Clatsop County, we urge you to support the following bills that would address MIEP:

- **The Reentry Act ([H.R. 2400/S.1165](#))**, which would allow Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release.
- **The Due Process Continuity of Care Act ([H.R.3074/S.971](#))**, which would allow pretrial detainees to receive Medicaid benefits at the option of the state and provide planning grant dollars to states for implementation of the MIEP repeal.

As we continue our work as county governments and local behavioral health providers to ensure better access to and the continuity of care in our communities, we recognize that these local efforts will be far more effective when carried out in partnership with state and federal counterparts.

Thank you for your continued service to the people of Clatsop County, we hope to have your support in fostering better behavioral health outcomes through your support of this important, bipartisan policy change.

Sincerely,



Mark Kujala, Chair
Clatsop County Board of Commissioners