



## **SUPPORT HJR18-1012: Medicaid Eligibility for Detained Individuals**

Sponsors: Rep. Benavidez & Rep. Michaelson Jenet, Sen. Crowder & Sen. Fields  
Interim Committee on County Courthouse and County Jail Funding and Overcrowding

### **The Medicaid “Inmate Exclusion”**

Under current federal law (Social Security Act Sec. 1905(a)(A)), Medicaid has an “inmate exclusion” which means that incarcerated individuals are **unable to access their federal Medicaid benefits** from the moment they are booked into jail, even if they are pretrial inmates that are presumed innocent. This exclusion has been in place since Medicaid’s enactment in 1965.

To implement this exclusion, states have typically terminated Medicaid enrollment when an inmate is booked into jail. Once an inmate leaves, it can take months for an individual to be reapproved, leaving these vulnerable individuals without services for even more time. The US Dept. of Health and Human Services has issued guidance that recommends states suspend, instead of terminate, Medicaid while individuals are in jail; but implementation of this rule has been varied, and Colorado is still working to implement this rule statewide.

Without Medicaid eligibility, counties are responsible for paying for all medical costs of inmates, unless an inmate is admitted as an inpatient at a hospital for more than 24 hours. These medical expenses include the costs of providing medications, substance abuse treatment, and emergency treatment for inmates. Health care makes up a major part of local jail operating costs.

### **Benefits of Medicaid Eligibility for Detained Individuals**

This resolution encourages Congress to change Medicaid eligibility to allow inmates who are not convicted and are presumed innocent to retain their Medicaid eligibility while they are incarcerated. This change is crucial to help counties ensure the health of justice-involved individuals and will actually reduce long-term costs to the federal government by ensuring that these individuals are not left untreated for weeks or months at a time. Eligibility will also help counties break the cycle of recidivism exacerbated by untreated behavioral health disorders and substance abuse, thereby improving public safety.

**CCI strongly urges your support of HJR18-1012 to help counties fulfill their obligations to detained individuals thereby improving health outcomes and making our communities safer.**

**Please SUPPORT HJR18-1012**

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