



June 20, 2023

Members of the Colorado Congressional Delegation,

As the leadership of the Colorado Counties Inc. Justice & Public Safety Steering Committee, we respectfully request your support of 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 county jails versus state 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 healthcare 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 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 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. Across Colorado, there are approximately 5,660 pre-trial detainees housed in our county jails on any given day and many experience behavioral health disorders often exaggerated during incarceration. This isn't exclusive to Colorado, **our nation's jails provide critical care to individuals with 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.**

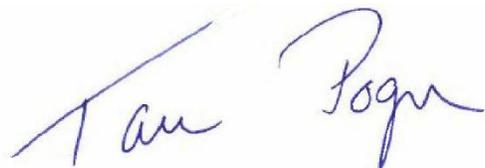
Right now, Congress has the opportunity to advance bipartisan legislation that would greatly improve care coordination for those individuals suffering from mental health, substance use and/or other chronic health conditions by allowing continued access to federal benefits such as Medicaid, Medicare and CHIP for eligible pre-trial detainees in local jails. On behalf of Colorado Counties Inc., we urge you to support the following bills that would address MIEP:

- ***Due Process Continuity of Care Act (S.971/ H.R. 3074)***, 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)***, which would allow Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release.

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 Colorado. We hope to have your support in fostering better behavioral health outcomes through your support of this important, bipartisan policy change.

Sincerely,

Handwritten signature of Tamara Pogue in blue ink.

Tamara Pogue  
Summit County Commissioner  
CCI Justice & Public Safety, Chair

Handwritten signature of Longinos Gonzalez Jr. in black ink.

Longinos Gonzalez Jr.  
El Paso County Commissioner  
CCI Justice & Public Safety, Vice Chair

CC: Matthew Chase, Executive Director & CEO, National Association of Counties (NACO)