



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 13, 2007**

**Motion 12481**

**Proposed No.** 2007-0112.1

**Sponsors** Hague, Lambert, Ferguson,  
Patterson and Gossett

1                   A MOTION urging Congress to amend federal law and  
2                   regulations to allow for federal financial participation to  
3                   Medicaid enrolled individuals that are incarcerated, but  
4                   have not been convicted of a felony offense.

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7                   WHEREAS, under the Medicaid Act, a program sponsored by the federal  
8                   government and administered by states that is intended to provide health care and health-  
9                   related services to low-income individuals, including mental health services and  
10                  medications, there are various mandatory conditions that participating states must  
11                  comply with to receive federal reimbursement, known as federal financial  
12                  participation. All of the mandatory provisions and options taken by the state are to be  
13                  included in a state plan that is filed with and approved by the federal government, and

14                  WHEREAS, The United States Code of Federal Regulations, Title 42, Part  
15                  435.1008 states that federal financial participation is not available for services provided  
16                  to individuals who are inmates of public institutions, including county jail facilities, and

17 WHEREAS, the state of Washington's state plan does not assume the federal  
18 share of providing medical services, including services for the mentally ill, to Medicaid  
19 enrolled recipients being held in county jails and detention facilities, and will terminate  
20 eligibility, and

21 WHEREAS, when the individual whose benefits have been terminated as a result  
22 of a stay in jail is released, he or she will not be automatically reinstated but has to  
23 reapply for Medicaid. To reapply for benefits upon release, a reevaluation must be  
24 completed to determine if the individual continues to be in a Medicaid-covered group and  
25 meet the income/resource requirements for that group. This reapplication period can take  
26 up to ninety days. As a result, these individuals lose their ability to obtain prescription  
27 drugs for their mental illness or other chronic disorders thereby increasing the chance of  
28 deterioration of the individual's medical/mental health condition that can lead to re-arrest  
29 or emergency hospital treatment, and

30 WHEREAS, the termination of eligibility can take place regardless of whether  
31 formal charges have been, it is during the period before trial or other disposition of the  
32 charges, or even before the conviction of an individual, all while that individual is  
33 presumed to be innocent, and

34 WHEREAS, King County must provide medical and mental health services to all  
35 persons incarcerated in county jail facilities, and

36 WHEREAS, individuals released from jail who have had benefits terminated have  
37 limited ability to maintain health care or stabilization services for their mental illness;

38 NOW, THEREFORE, BE IT MOVED by the Council of King County:

39           The metropolitan King County council requests and strongly urges Congress to  
40 amend necessary federal laws and regulations to allow for federal financial participation  
41 for medical benefits to incarcerated individuals until convicted of a felony crime and  
42 subsequently sentenced to secure detention.  
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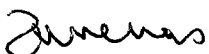
Motion 12481 was introduced on 2/20/2007 and passed by the Metropolitan King County Council on 3/12/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine  
No: 0  
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

Attachments   None