



## Legislation Text

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Clerk 2/14/2007

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

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

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

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

WHEREAS, when the individual whose benefits have been terminated as a result of a stay in jail is released, he or she will not be automatically reinstated but has to reapply for Medicaid. To reapply for benefits upon release, a reevaluation must be completed to determine if the individual continues to be in a Medicaid-covered group and meet the income/resource requirements for that

group. This reapplication period can take up to ninety days. As a result, these individuals lose their ability to obtain prescription drugs for their mental illness or other chronic disorders thereby increasing the chance of deterioration of the individual's medical/mental health condition that can lead to re-arrest or emergency hospital treatment, and

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

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

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

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

The metropolitan King County council requests and strongly urges Congress to amend necessary federal laws and regulations to allow for federal financial participation for medical benefits to incarcerated individuals until convicted of a felony crime and subsequently sentenced to secure detention.