

SANTA FE COUNTY

RESOLUTION NO. 2014-56

A RESOLUTION REQUESTING THAT CONGRESS REQUIRE THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR MEDICARE AND MEDICAID SERVICES ALLOW AN OTHERWISE ELIGIBLE PERSON WHO IS IN CUSTODY PENDING DISPOSITION OF CHARGES, TO CONTINUE RECEIVING FEDERAL HEALTH BENEFITS UNTIL A JUDGMENT AND SENTENCE IS IMPOSED, THEREBY ENABLING SANTA FE COUNTY TO PROVIDE BETTER HEALTH CARE TO PRETRIAL INMATES AT A LOWER COST TO LOCAL PROPERTY TAXPAYERS.

WHEREAS, Title XIX of the Social Security Act, which governs the Medicaid program, prohibits use of federal Medicaid funds to pay for services provided to inmates of a public institution even if they are otherwise eligible for, and enrolled in, Medicaid;

WHEREAS, states refuse to assume the federal share of providing Medicaid services to eligible persons in county custody, terminating benefits and even eligibility;

WHEREAS, as a consequence, the entire cost of medical care for all arrested and detained individuals falls to the counties;

WHEREAS, arrested and detained individuals have not been convicted and are presumed innocent;

WHEREAS, once an individual's Medicaid eligibility has been terminated, it may take months to re-enroll and for benefits to be restored when they are released from a County detention facility to the community;

WHEREAS, the coverage gaps caused by the discontinuation of Medicaid while a detained individual is housed at a county detention facility result in discontinued care and contribute to recidivism;

WHEREAS, Medicare, the Children's Health Insurance Program (CHIP) and Veterans Administration health benefits are similarly restricted;

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WHEREAS, the Affordable Care Act (ACA) requires Qualified Health Plans (QHPs) offered on the new Affordable Health Insurance Exchanges to cover qualified individuals who are incarcerated pending disposition of charges;

WHEREAS, an estimated one-third of the pre-trial jail population may be eligible for subsidized QHP coverage and many more for Medicaid coverage based on income and/or disability status in 2014;

WHEREAS, CMS has so far declined NACo's request (1) to harmonize the definition of "inmate" for Medicaid purposes with the ACA "incarcerated pending disposition" provision, (2) to clarify that jail officials may submit enrollment applications on behalf of persons in custody, and (3) to require that states stop terminating eligibility for persons in custody pending disposition; and

WHEREAS, extending health benefit coverage to those in pre-trial custody enables counties to provide better health care by:

1. Increasing access to primary care, and behavioral health and substance abuse treatment for justice involved individuals, which has been shown to reduce health care, disability and criminal justice costs;
2. Providing access to required jail health care at very low cost to states and counties, relieving pressure on local taxpayers;
3. Advancing public health and social stability by integrating and coordinating care and reducing gaps in health care for those in pretrial custody and ultimately released into communities;

REC'D CLERK RECORDED 07/18/2014

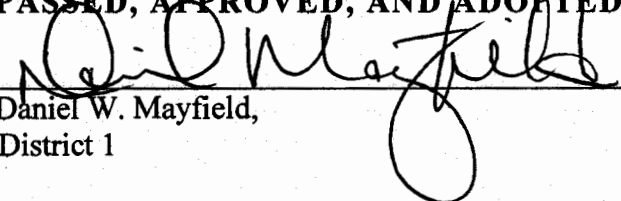
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4. Reducing health disparities by providing health insurance coverage to a population of low-income adults with substantial physical, mental health and substance abuse needs;

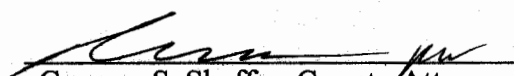
5. Positioning jails as potential enrollment catchment areas for vulnerable population, which provides an opportunity to break the cycle of recidivism caused or exacerbated by untreated mental illness, substance abuse and other co-occurring disorders.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe Board of County Commissioners requests that Congress require that the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services allow an otherwise eligible person who is in custody pending disposition of charges, to continue receiving federal health benefits until a judgment and sentence is imposed, thereby enabling Santa Fe County to provide better health care to pretrial inmates at a lower cost to local property taxpayers.

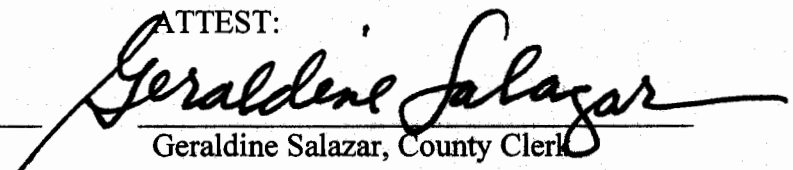
PASSED, APPROVED, AND ADOPTED ON THIS 8th DAY OF JULY, 2014


Daniel W. Mayfield,
District 1

APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney

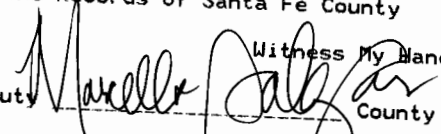
ATTEST:


Geraldine Salazar, County Clerk

7-8-2014

COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 3

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of July, 2014 at 01:53:24 PM And Was Duly Recorded as Instrument # 1741087 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Geraldine Salazar
County Clerk, Santa Fe, NM

