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September 25, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington D.C. 20510**RE: REQUEST FOR CO-SPONSOR, the Medicaid Reentry Act and the Due Process Continuity of Care Act**

Dear Senator Feinstein:

On behalf of the Solano County Board of Supervisors, I urge you to cosponsor legislation to provide Medicaid/Medi-Cal reimbursement for services provided to justice-involved individuals who are in county custody pending disposition of their case. Due to Section 1905(a)(A) of the Social Security Act, individuals housed in our detention facilities are denied federal health benefits even though they are presumed innocent under the Constitution. The federal Medicaid Inmate Exclusion Policy disrupts the provision of primary and behavioral health care and makes it difficult to establish any continuity of care prior to release.

In January, California was the first state in the nation to receive a Section 1115 Medicaid demonstration waiver from the Centers for Medicare and Medicaid Services to make physical and behavioral health services available to all Medicaid-eligible adults who are inmates in state prisons and county jails, beginning 90 days prior to their expected date of release. The health criteria within the waiver aim to identify inmates at high risk of adverse health outcomes pre- and post-release, including those with behavioral health needs or other chronic conditions. Also, the waiver makes all inmates of youth correctional facilities eligible for services 90 days pre-release, without meeting any clinical criteria.

While the new waiver is a very strong step towards improving the care of incarcerated individuals pre- and post-release, Solano County supports changes to the Medicaid statute so that provisions such as those now in our waiver may become a permanent part of federal law. Specifically, the County urges you to co-sponsor the following bills addressing the issue:

- *The Medicaid Reentry Act* (S. 1165; H.R. 2400) would allow Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release.
- *The Due Process Continuity of Care Act* (S.971; H.R. 3074) would allow pretrial detainees to receive Medicaid benefits at the option of the state.

By providing access to federal health benefits, these measures would improve care coordination, decrease short-term costs to local taxpayers and long-term costs to the federal government. They would also reduce recidivism caused or exacerbated by untreated mental illness and/or substance use disorders, thereby improving public safety.

Honorable Dianne Feinstein
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This issue has been a long-standing policy priority of Solano County, the California State Association of Counties (CSAC) and the National Association of Counties (NACo). If you have any questions, contact Tom Joseph, Solano County Washington Representative, at TJ@ParagonLobbying.com and / or (202) 449-0398.

Sincerely,



John M. Vasquez, Chair
Solano County Board of Supervisors

CC:

The Honorable Alex Padilla, U.S. Senator
The Honorable John Garamendi, Representative
The Honorable Mike Thompson, Representative
The Honorable Bill Dodd, Senator
The Honorable Lori D. Wilson, Assemblymember
Jerry Huber, Director of Health and Social Services, Solano County
Tom Ferrara, Sheriff, Solano County
Christopher Hansen, Chief Probation Officer, Solano County
Paragon Government Relations
Karen Lange, SYASL Partners, Inc.