

House Joint Memorial 7

Sponsored by Representative LEIF, Senator STEINER HAYWARD, Representative DRAZAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to pass legislation to allow access to specified federal health benefits and programs for pretrial detainees, by redefining term "inmates of a public institution" as used in federal Social Security Act.

JOINT MEMORIAL

1
2 To the President of the United States and the Senate and the House of Representatives of the United
3 States of America, in Congress assembled:

4 We, your memorialists, the Eighty-first Legislative Assembly of the State of Oregon, in legisla-
5 tive session assembled, respectfully represent as follows:

6 Whereas current federal law does not differentiate a person convicted of a crime from a person
7 incarcerated prior to conviction; and

8 Whereas a federal law known as the Medicaid Inmate Exclusion Policy, 42 U.S.C. 1396d(a)(30)(A)
9 (the federal Social Security Act, as amended), prohibits the payment of federal Medicaid matching
10 funds for the cost of any services provided to an inmate, unless the inmate is also a patient in a
11 medical institution; and

12 Whereas the Medicaid Inmate Exclusion Policy limits those yet to be charged with a crime from
13 accessing their federal health benefits, including Medicaid, Children's Health Insurance Program
14 (CHIP) and certain veterans benefits; and

15 Whereas the principle of "innocent until proven guilty" applies to all under the federal and state
16 constitutions, including all individuals under the purview of the criminal justice system; and

17 Whereas individuals within the criminal justice system and not yet convicted are owed their full
18 set of rights, including access to their human and civil rights and, without limits, to their federal
19 health benefits; and

20 Whereas current regulations restrict the United States Department of Veterans Affairs from
21 providing hospital and outpatient care to an incarcerated veteran who is an inmate in an institution
22 of another government agency when that agency has a duty to give the care or services; and

23 Whereas many veterans struggle with post-traumatic stress disorder (PTSD) and the Veterans
24 Affairs National Center for PTSD is the world leader in PTSD research, education and treatment;
25 and

26 Whereas incarcerated veterans should not lose access to the high quality counseling or treat-
27 ment that helps them manage their symptoms, and their cycle of care should not be broken; and

28 Whereas people experiencing mental illness are over-represented in jails, and two-thirds of
29 Oregon's pretrial detainees have mental health or substance use disorders; and

30 Whereas more than 9,000 youths awaiting trial in detention across the country have been im-
31 pacted by losing access to CHIP benefits, a large driver in keeping low-income kids safe and healthy;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 and

2 Whereas stable access to care allows for better coordination of health care services, improved
3 health outcomes, lower short-term costs for local jails and taxpayers, and lower long-term costs for
4 the federal government; and

5 Whereas access to stable health care should not be a question of access to wealth, determined
6 by those awaiting trial who can or cannot post bail; and

7 Whereas suspending benefits while a person is in custody in a county jail breaks the continuity
8 of care, thus harming the individual, as well as public health and safety; and

9 Whereas Medicaid is the largest funding source for behavioral health in the United States, and
10 county jails have become the largest behavioral health facilities in the nation; and

11 Whereas treating mental illnesses and substance use disorders without disruption helps counties
12 to reduce the cycle of recidivism, improves public safety and allows for continuity of treatment; and

13 Whereas the collection of data related to those “inmates of a public institution,” as defined un-
14 der the Social Security Act, will facilitate a deeper understanding of the federal, state and county
15 costs, and health outcomes for those moving through the justice system; now, therefore,

16 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

17 That we, the members of the Eighty-first Legislative Assembly, respectfully urge the Congress
18 of the United States to pass legislation to allow access to Medicaid, veterans, CHIP and other fed-
19 eral health benefits for pretrial detainees, by redefining the term “inmates of a public institution”
20 under the Social Security Act of the United States; and be it further

21 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
22 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member
23 of the Oregon Congressional Delegation.

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