

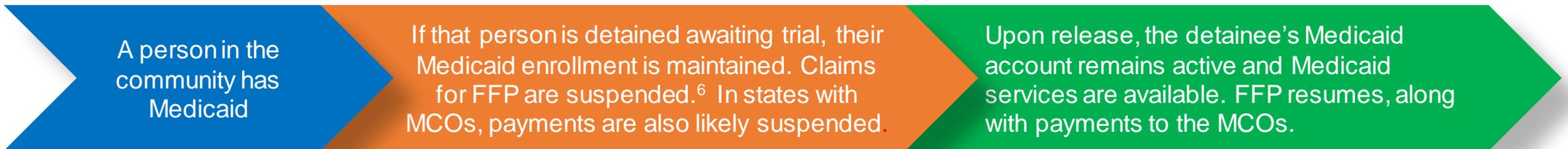
# Maintaining Medicaid for Pre-trial Detainees

## Summary

In most states, when an accused person is jailed and awaiting trial, their Medicaid coverage is suspended or terminated. This policy of discontinuing Medicaid was estimated to impact over 700,000 people on any given day, and several million people annually.<sup>1</sup> For pre-trial detainees who require medical, mental or substance use disorder treatment, suspension of their Medicaid enrollment may undermine their ability to access medically necessary care upon release.<sup>3</sup> By maintaining Medicaid enrollment for pre-trial detainees, the risks associated with disrupted benefits upon release can be mitigated. Likewise, the administrative burden associated with suspending and then re-instituting enrollment upon release is eliminated.

States are able to exercise their discretionary authority to maintain Medicaid benefits for pre-trial detainees. States can maintain Medicaid enrollment without seeking a Waiver or State Plan Amendments from CMS.<sup>4,5</sup> States may also expedite new Medicaid applications prior to releasing detainees and reactivate Medicaid for persons whose benefits had been suspended.<sup>3</sup> State Medicaid accounts can even be maintained after sentencing.<sup>3</sup> When implementing these changes, suspension of the Federal Financial Participation (FFP) and payments to the state Medicaid managed care organizations (MCOs) need to be taken into account.<sup>3</sup>

## Proposed Model



Notes. 1. Zhen Zeng, Jail Inmates in 2016 (NCJ 251210), Bureau of Justice Statistics, U.S. Department of Justice. (February 2018). Url: <https://www.bjs.gov/content/pub/pdf/ji16.pdf>  
2. Fifth Amendment of U.S. Constitution. 3. CMS letter SHO#16-007. re: To facilitate successful re-entry for individuals transitioning from incarceration to their communities. Url: <https://www.medicaid.gov/sites/default/files/Federal-Policy-Guidance/Downloads/sho16007.pdf> 4. MassHealth Memo, April 10, 2020, on file. 5. Ohio Medicaid announcement, on file. 6. Claims for inpatient hospitalization during incarceration are allowed. For additional information please contact [policy@alkermes.com](mailto:policy@alkermes.com)