

Medicaid Section 1115 Reentry Demonstration Opportunity

Implications and Opportunities for Jails and Prisons

Bureau of Justice Assistance (BJA)







Residential Substance Abuse Treatment (RSAT)
Program for State Prisoners

Training and Technical Assistance Resource

This project was supported by grant No.15PBJA-22-GK-01132-RSAT awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Point of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.



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Today's Moderator



Pamela O'Sullivan

Senior Director, Public Affairs
Advocates for Human Potential, Inc.

Today's Panelists



Sheriff Peter J. Koutoujian
Middlesex County Sheriff's Department
Massachusetts



Autumn Boylan, MPH
Deputy Director, Office of Strategic Partnerships
California Department of Health Care Services

Learning Objectives

Upon completion of this presentation, participants will be able to:

- Identify 3 ways the Medicaid Reentry Section 1115 demonstration may benefit jails and prisons.
- Understand why it's critical for correctional leaders and staff to be involved, and how to get involved.
- Formulate actionable first steps to leverage Medicaid Reentry Section 1115 to enhance care transition services pre-release.

Medicaid Reentry Section 1115

State Medicaid: Historical Context

- Federal Law: Medicaid Inmate Exclusion Policy (1965)
 - Prohibits Medicaid from paying for any services while individuals are incarcerated, except for inpatient hospital stays
 - Incarcerated individuals may be enrolled in Medicaid
- County and State facilities have improved strategies relative to Medicaid
 - States moving from “termination” to “suspension” of benefits
 - More individuals are enrolled in health coverage
 - More individuals are connected to care and services upon release
- Barriers remain, which can lead to delays and disruptions in care

Incarceration Rates

- Approximately 1.2M were incarcerated in federal or state prisons (end of 2020); approximately 549,100 were held in local jails (mid-2020)^{1,2}
- Higher rates of mental illness and other chronic health conditions³
- Rates of substance use disorder (SUD) vary, range from 60% - 90%^{4,5}

States have sought to change the
Medicaid Inmate Exclusion Policy (MIEP)
through 1115 Waivers

1. <https://bjs.ojp.gov/content/pub/pdf/p20st.pdf>. 2. <https://bjs.ojp.gov/library/publications/jail-inmates-2020-statistical-tables>.
3. <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/medicaid-role-health-people-involved-justice-system>
4. <https://www.drugabuse.gov/download/23025/criminal-justice-drugfacts.pdf?v=25dde14276b2fa252318f2c573407966>
5. https://mn.gov/doc/assets/Substance%20Use%20Disorder%20Treatment_tcm1089-413914.pdf

New Medicaid Reentry Demonstration Opportunity

- In April of 2023, the Biden Administration, through the Centers for Medicare and Medicaid (CMS), released guidance to the states.
 - Opportunities to Test Transition-Related Strategies to Support Community Reentry and Improve Care Transitions for Individuals Who Are Incarcerated.

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop: S2-26-12
Baltimore, Maryland 21244-1850



SMD# 23-003

**RE: Opportunities to Test
Transition-Related Strategies to
Support Community Reentry and
Improve Care Transitions for
Individuals Who Are Incarcerated**

April 17, 2023

Dear State Medicaid Director:

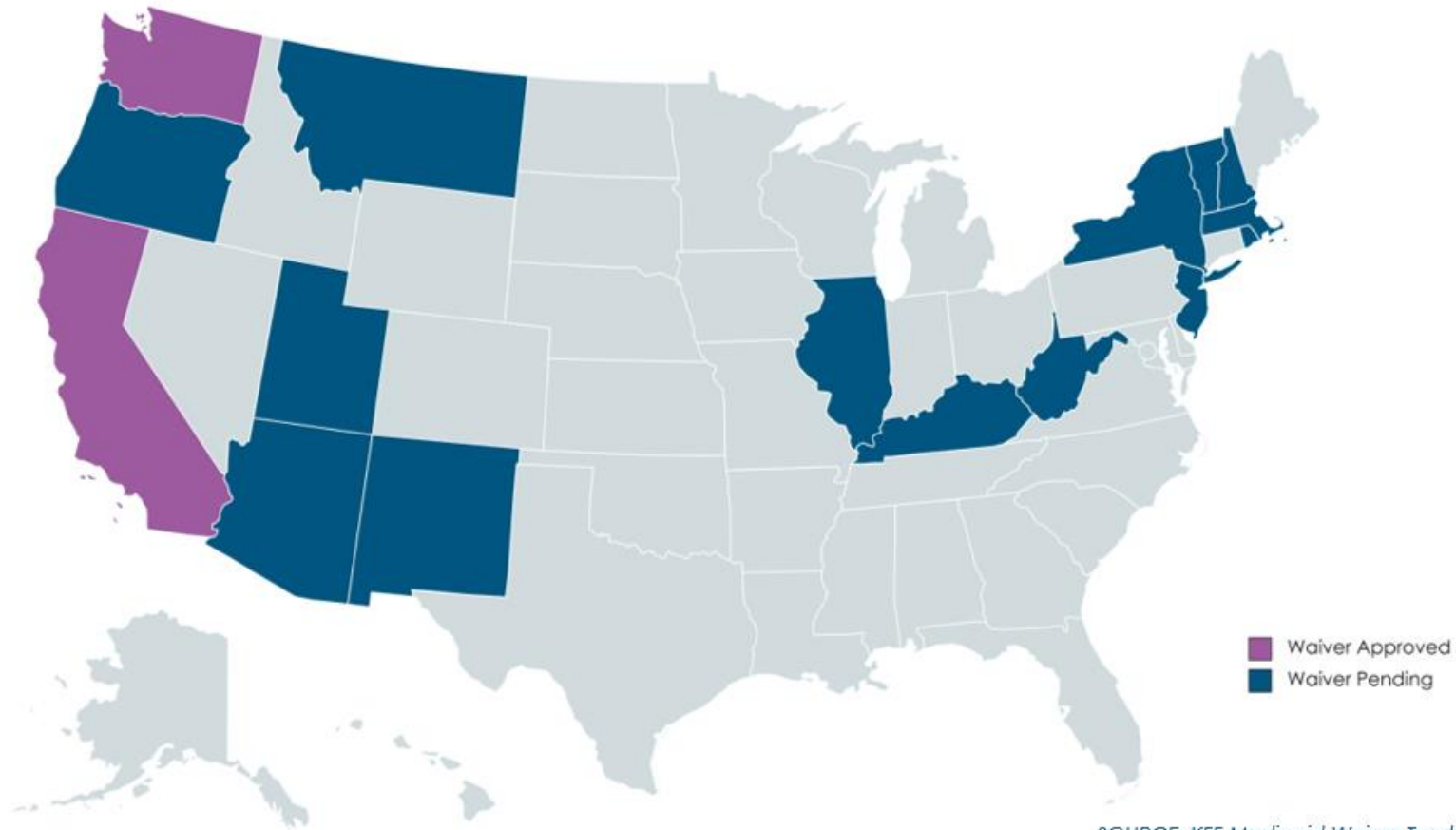
The Centers for Medicare & Medicaid Services (CMS) is issuing the following guidance for designing demonstration projects under section 1115 of the Social Security Act (the Act) (42 U.S.C. § 1315) to improve care transitions for certain individuals who are soon-to-be former inmates of a public institution (hereinafter referred to as incarcerated individuals, except when quoting from statute) and who are otherwise eligible for Medicaid. This letter also provides guidance to interested states about development and submission of the associated section 1115 demonstration application.

This guidance continues to implement section 5032 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) (Pub. L. No. 115-271), Promoting State Innovations to Ease Transitions Integration to the Community for Certain Individuals. As mandated in section 5032, the Department of Health and Human Services (HHS) convened a stakeholder group to develop best practices for states to ease health care-related transitions for incarcerated individuals to the community and to develop a Report to Congress (RTC). On December 1, 2022, HHS transmitted the RTC to Congress.¹ Additionally, section 5032 directs the Secretary of HHS, through the Administrator of CMS, to issue this State Medicaid Director Letter (SMDL) regarding opportunities to design demonstration projects under section 1115 of the Act to improve care transitions for incarcerated individuals exiting a public institution and who are otherwise eligible for Medicaid, and to base this guidance on best practices identified in the RTC.

As provided in section 1115 of the Act, the Secretary of HHS may waive certain provisions of section 1902 of the Act and/or provide authority for federal matching of expenditures that otherwise would not be eligible for federal financial participation (FFP) under section 1903 of the Act, where the Secretary determines that the demonstration project is *likely to assist in promoting the objectives of Medicaid*. While CMS reviews every section 1115 demonstration

¹ <https://aspe.hhs.gov/sites/default/files/documents/d48e8a9f6d490029542f0a30aa78b6f1/health-care-reentry-transitions.pdf>

Section 1115 Reentry Demonstration Opportunity



SOURCE: KFF Medicaid Waiver Tracker

Section 1115 Reentry Demonstration Opportunity (cont.)

Per the Guidance:

- Application submitted by states.
- State prisons, county jails, and juvenile justice facilities are eligible.
- Required services:
 - Case management, medication-assisted treatment, and a 30-day supply of all prescription medications at release.
- Additional physical and behavioral services, including:
 - Peer supports, community health workers, family planning, additional treatments and medications, and other services.

Focus for Today

- States must reinvest Medicaid matching funds:
 - “Into initiatives that increase access to or improve the quality of health care services for “soon-to-be released” individuals or for recently released individuals.”
- Implications and key considerations for jails and prisons.

Autumn Boylan, M.P.H.

- California's application and approval process.
- How jails and prisons were involved in the application process.
- Plans for use of Medicaid reinvestment funds.



Sheriff Peter J. Koutoujian

- The people we care for.
- Key considerations for successful implementation.
- The importance of cross-system collaboration.



QUESTIONS

- ▶ Type your questions in the Q&A box on your screen.



References and Resources

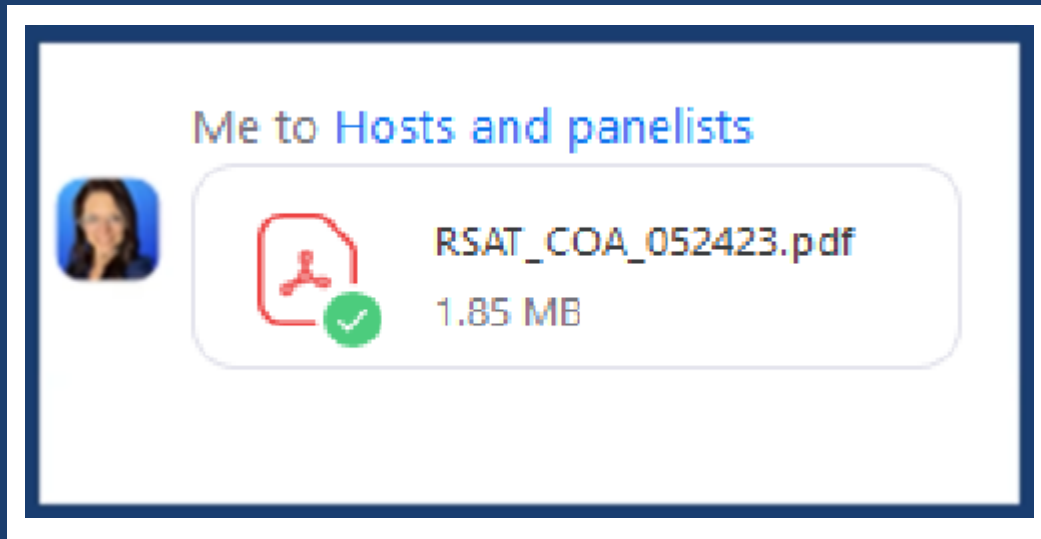
- The Office of Justice Programs (OJP) and the Department of Health and Human Services' Center for Medicaid and CHIP Services (CMCS) partnered to provide this two-part webinar introducing correctional leaders and allied stakeholders to the opportunities available under the new Medicaid Reentry Section 1115 demonstration opportunity:



From Corrections to Community: Navigating the New Medicaid Section 1115 Demonstration Opportunity

- [Part 1](#)
- [Part 2](#)
- [CMS Guidance Letter](#): Opportunities to Test Transition-Related Strategies to Support Community Reentry and Improve Care Transitions for Individuals Who Are Incarcerated

You can download the certificate of attendance from the chat.





CERTIFICATE OF CONTINUING EDUCATION



1 Continuing Education Hour (CEH) approved by NAADAC, the Association of Addiction Professionals



Pass 10-question quiz with 7 correct answers



Download certificate upon completion of the quiz

November 15, 2023 RSAT webinar CEH quiz link:

<https://survey.alchemer.com/s3/7589487/November-15-2023-RSAT-Webinar-CEH>

CONTACT



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