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December 9, 2019

The Honorable G. K. Butterfield  
United States House of Representatives  
2080 Rayburn House Office Building  
Washington, D.C. 20515

Dear Rep Butterfield:



On behalf of Durham County Board of Commissioners, we urge you to support legislation that would ease the impact of the Medicaid inmate exclusion on our local justice systems. Two pieces of legislation now under consideration in the U.S. Senate, the Equity in Pre-Trial Medicaid Coverage Act (S. 2628) and the Restoring Health Benefits for Justice-Involved Individuals Act (S. 2626), take important steps toward this goal.

Currently, under what is known as the Medicaid inmate exclusion, federal law prohibits the use of federal funds and services, such as veterans' benefits, Medicaid and Children's Health Insurance Program (CHIP) benefits, for medical care provided to inmates of public institutions. However, the law makes no distinction between a convicted inmate and a person incarcerated prior to conviction, thereby denying federal benefits to individuals who are still presumed innocent under the Constitution. Additionally, because serious mental illnesses are three to four times more common among local inmates than the general population, the nation's mental health crisis is increasingly centered in our jails, with county jails among the largest behavioral health care providers in our communities.

By eliminating the Medicaid inmate exclusion and allowing federal safety-net benefits to cover pretrial detainees, these bills would promote care continuity for justice-involved individuals, decrease short-term costs to taxpayers and county governments as well as long term costs to the federal government, and break cycles of recidivism in our communities.

Detainees in Durham County Detention Center are asked about Medicaid coverage. Durham County absorbs all the medical and pharmacy costs for detainees who may require medical care/treatment. Here is just a summary of the number of inmates in this category treated over the past 5 years:

FY15: 290    FY16: 184    FY17: 458    FY18: 510    FY19: 598

While we cannot share an estimate of the dollar amount because no names are attached to these numbers, it is clear that the numbers have significantly increased and trended upwards.

We thank you for your attention to this issue and look forward to improving outcomes for justice-involved individuals and restoring the federal, state and local partnership for safety-net programs. We respectfully ask that you consider co-sponsoring these two bills.

Sincerely,

Wendy Jacobs, Chair  
Durham Board of County Commissioners