



HOUSE JOINT RESOLUTION 18-1012

BY REPRESENTATIVE(S) Benavidez and Michaelson Jenet, Arndt, Becker K., Bridges, Buckner, Coleman, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Jackson, Kennedy, Kraft-Tharp, Lee, Lontine, McLachlan, Pabon, Roberts, Rosenthal, Salazar, Singer, Weissman, Winkler, Winter, Young;

also SENATOR(S) Crowder and Fields, Aguilar, Baumgardner, Cooke, Coram, Court, Donovan, Fenberg, Garcia, Guzman, Hill, Holbert, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham.

CONCERNING THE MEDICAID ELIGIBILITY OF INDIVIDUALS BEING HELD IN A CORRECTIONAL FACILITY BUT WHO HAVE NOT BEEN CONVICTED OF A CRIME.

WHEREAS, Under current federal Medicaid policy, individuals who are incarcerated or inmates in a correctional facility are not eligible to receive Medicaid benefits unless the individual has been admitted as an inpatient at a hospital for at least twenty-four hours; and

WHEREAS, To avoid violating this statutory inmate exclusion, states have typically terminated Medicaid enrollment when an inmate is booked into a county jail; and

WHEREAS, This prohibition on Medicaid eligibility for incarcerated individuals also includes individuals who are being held in county jails awaiting trial; that is, pretrial detainees who are being held in county jails but who have not been convicted of a crime are denied Medicaid eligibility; and

WHEREAS, County jails annually admit 18 times more individuals than state or federal prisons; more than 6 in 10 inmates in county jails are presumed innocent; and the county jail population has more mental health disorders, a higher incidence of substance abuse, and a higher rate of chronic health conditions than the general population; and

WHEREAS, If a pretrial detainee becomes ill, the county jail is forced to pay that person's medical expenses; and

WHEREAS, More than 95% of total jail inmates eventually return to their communities, bringing their health concerns with them, and it can take months for an individual to be reapproved for Medicaid upon release; and

WHEREAS, The coverage gap caused by terminating Medicaid coverage can lead to rearrests and recidivism; and

WHEREAS, Providing health care for inmates makes up a major part of local jail operating costs, and requiring local governments to cover health care costs for inmates who have not been convicted places an unnecessary burden on local governments; and

WHEREAS, County jails in Colorado could realize a significant savings if pretrial detainees are allowed to retain their Medicaid eligibility; and

WHEREAS, House Resolution 165, introduced in the United States House of Representatives on January 3, 2017, would remove limitations on Medicaid benefits and other federal benefits for individuals in custody pending disposition charges; now, therefore,

Be It Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the Colorado General Assembly, strongly urge the United States Congress to amend the law concerning Medicaid eligibility of incarcerated individuals so that persons who are detained in state and local facilities but who have not been convicted of a crime retain their Medicaid eligibility until conviction.

Be It Further Resolved, That copies of this Joint Resolution be sent to Colorado's Congressional delegation.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE