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November 2, 2017

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The Honorable Paul Tonko
U.S. House of Representatives
2463 Rayburn HOB
Washington, DC 20515

Dear Representative Tonko:

On behalf of the American Psychiatric Association (APA), the national medical specialty society representing more than 37,000 psychiatric physicians nationwide, we are writing in support a bill you introduced earlier this month, the Medicaid Reentry Act (H.R. 4005).

As you know, under current federal law, medical care—including care for the treatment of mental health and substance use disorders—provided in correctional facilities is categorically ineligible for reimbursement under the Medicaid program. While some efforts have been made in a few states following the passage of the Affordable Care Act (ACA), many individuals released from the criminal justice system continue to face insurmountable barriers to enrollment in Medicaid.¹ Your bill would ease the transition for individuals leaving the criminal justice system by making the care provided in correctional facilities eligible for Medicaid reimbursement within thirty (30) days of an individual's release.

States collectively spent \$7.7 billion on health care for prison inmates in fiscal year 2011.² This bill would both ease this financial burden and ensure a more seamless transition for eligible people with physical and mental health needs who are nearing their release. It is essential for continuity of care that individuals leaving the criminal justice system who received some form of mental health or substance use treatment while incarcerated have community treatment resources available after release. With these supports, eligible individuals will be better able to re-enter their communities with more than a mere referral to physical and mental health services, but instead an actual connection to and coverage for these services.

This issue is particularly relevant to the American Psychiatric Association's mission to promote the highest quality care for individuals with mental illness and substance use disorders. According to the Bureau of Justice Statistics, more than

half of those in the criminal justice system suffer from a mental illness, while between one-half and three-quarters of inmates suffer from a substance use disorder.³

With the nationwide opioid crisis, the stakes are extremely high for individuals leaving the criminal justice system who may resort to using drugs. According to a recent study, former inmates within a week following their release were over eight times more likely to die from an overdose than inmates within 90 days to a year following their release.⁴ Allowing inmates to enroll in Medicaid prior to their release will decrease lapses in care that too often lead to tragic outcomes and instead boost former inmates' ability to successfully re-enter their communities.

The Medicaid Reentry Act will have a positive impact on the ability of individuals leaving the criminal justice system to access and continue receiving quality mental health and substance use disorder services. Please let us know how we can be a partner in advancing this bill. If you have any questions, please contact Ashley Mild, Interim Chief of Government Relations, at amild@psych.org, or at (703) 907-8645.

Sincerely,



Saul Levin, M.D., M.P.A.
CEO and Medical Director

¹ See, e.g., CNN, [A deadly lack of care for some of America's sickest: Ex-inmates](http://www.cnn.com/2016/12/12/health/inmate-insurance-medicaid/index.html) (Dec. 12, 2016), available at: <http://www.cnn.com/2016/12/12/health/inmate-insurance-medicaid/index.html>.

² The Pew Charitable Trusts, [How Medicaid Enrollment of Inmates Facilitates Health Coverage After Release](http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/12/how-medicaid-enrollment-of-inmates-facilitates-health-coverage-after-release) (Dec. 8, 2015), available at: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/12/how-medicaid-enrollment-of-inmates-facilitates-health-coverage-after-release>.

³ U.S. Dept. of Justice, Bureau of Justice Statistics, [Mental Health Problems of Prison and Jail Inmates](#) (Dec. 2006).

⁴ Maryland Dept. of Health and Mental Hygiene, [Risk of Overdose Death Following Release from Prison or Jail](#) (Nov. 2014).