

1 **NYSAC 2024 Fall Seminar**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #3**

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5 **Resolution Urging Governor Hochul and the Department of Health to**
6 **Continue to Pursue a Federal 1115 Waiver to Allow Justice Involved Adults**
7 **and Youth to Be Enrolled in Medicaid/CHIP 90 Days Before an Eligible**
8 **Person’s Expected Release from Incarceration**

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10 **WHEREAS**, New York state included provisions in a recent 1115 Medicaid
11 demonstration waiver that would allow justice involved adults and youth to be enrolled
12 in Medicaid/CHIP up to 90 days prior to their release from incarceration; and

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14 **WHEREAS**, many components of the 1115 waiver were approved by the federal
15 government, the waiver component for incarcerated individuals was not approved as
16 part of the recent 1115 demonstration waiver; and

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18 **WHEREAS**, the Biden Administration has prioritized the expansion of Medicaid
19 demonstration waivers under section 1115 to ensure at-risk incarcerated individuals who
20 often live with higher rates of substance use disorders (SUDs), chronic physical health
21 conditions, poor health care coordination, and other health concerns can realize
22 improved treatment outcomes if formal treatment and coordination occur prior to their
23 release; and

24
25 **WHEREAS**, access to these services in advance of release can help:

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- 27 • transitions into the community;
 - 28 • coordination and communication among correctional facilities, Medicaid
29 programs and CHIPs, as well as managed care plans, and community-based
30 providers;
 - 31 • enhance connections between carceral settings and community services to
32 address physical health, behavioral health, and health-related social needs;
 - 33 • improve interventions for certain behavioral health conditions and increased use
34 of stabilizing medications like long-acting injectable anti-psychotics and
35 medications targeting suds, with the goal of reducing decompensation, suicide-
36 related deaths, overdoses, and overdose-related deaths in the near-term post-
37 release; and
 - 38 • reduce unnecessary emergency department visits, inpatient hospitalizations, and
39 all-cause deaths among recently incarcerated people with Medicaid and
40 individuals otherwise eligible for CHIP if not for their incarceration status; and

41 **WHEREAS**, the federal Center for Medicare and Medicaid Services (CMS) approved
42 five more state 1115 waiver applications for this prelease Medicaid coverage in July
43 2024, bringing the total approved to nine states; and

1 **WHEREAS**, NYSAC strongly believes that approval of an 1115 Medicaid waiver that
2 assists high-risk incarcerated individuals, including those held in county jails, to be
3 enrolled in Medicaid/CHIP prior to their release is a necessary step to improve health
4 outcomes for these individuals, will save lives by preventing overdose deaths, and
5 improve public safety.
6

7 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
8 Counties (NYSAC) strongly encourages Governor Hochul and the Department of Health
9 to continue negotiations on the 1115 Medicaid demonstration waiver allowing
10 Medicaid/CHIP coverage for incarcerated individuals prior to their release, including
11 those held in county jails; and
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13 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
14 New York State encouraging member counties to enact similar resolutions; and
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16 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
17 Governor Kathy Hochul, the New York State Department of Health, and all others
18 deemed necessary and proper.