



PUBLIC POLICY

HEALTH CARE FOR NON-CONVICTED PERSONS

ACTION NEEDED:

Urge Congress to **SUPPORT** the reinstatement of federal health care benefits, including those benefits awarded to veterans, for non-convicted justice involved individuals.

BACKGROUND:

The Social Security Act (Sec. 1905(a)(A)) prohibits use of federal funds and services, such as Veterans Affairs, Children's Health Insurance Program (CHIP) and Medicaid, for medical care provided to "inmates of a public institution." The federal law does not differentiate between a convicted inmate and a person incarcerated prior to conviction

ANALYSIS:

The Medicaid Inmate Exclusion Policy is only enacted for individuals confined inside the jail. Federal rules prohibit states from billing Medicaid for any inmate care unless the covered individual requires a hospital stay of at least 24 hours, as stated in section 409.9025, Florida Statutes. This policy denies federal benefits to individuals who are still presumed innocent under the Constitution, per rights outlined in the Due Process (5th Amendment) and Equal Protection (14th Amendment) clauses of the U.S. Constitution.

Furthermore, this policy negatively impacts youth and veterans. Specifically, by removing access to Children's Health Insurance Program (CHIP) benefits, more than 9,000 youths in juvenile facilities and awaiting trial are affected. Additionally, this policy limits access to veteran's health benefits as a veteran loses access to a VA medical care facility while incarcerated until such time as he or she is unconditionally released. More than half of justice-involved veterans have either mental health conditions, such as PTSD, depression or anxiety, or substance use disorders.

