



NICK MADDOX
PRESIDENT-ELECT
LEON

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PALM BEACH

RALPH C. THOMAS, JR.
FIRST VICE PRESIDENT
WAKULLA

LEE CONSTANTINE
SECOND VICE PRESIDENT
SEMINOLE

KARSON TURNER
IMMEDIATE PAST PRESIDENT
HENDRY

VIRGINIA "GINGER"
DELEGAL
EXECUTIVE DIRECTOR

December 6, 2019

The Honorable Marco Rubio
United States Senate
284 Russell Senate Office Building
Washington, D.C. 20510

VIA ELECTRONIC MAIL

Senator Rubio:

On behalf of Florida's 67 counties, I am writing to express our support for S. 2628 the ***Equity in Pre-Trial Medicaid Coverage Act*** and S. 2626 the ***Restoring Health Benefits for Justice-Involved Individuals Act***; two pieces of legislation that would ease the impact of the Medicaid inmate exclusion on our local justice systems.

Currently, 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.

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, in Florida, 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.

By removing the Medicaid inmate exclusion and allowing federal safety-net benefits to cover pretrial detainees, these bills would reassure care continuity for justice-involved individuals, reduce short-term costs to taxpayers and county governments. This issue has been designated as a priority for the Florida Association of Counties (FAC) as well as the National Association of Counties (NACo) and the National Sheriff's Association (NSA). We hope you will strongly consider supporting and co-sponsoring these bills.

If the Florida Association of Counties can be of assistance, please contact Tonnnette Graham at (850) 922-4300 or at tgraham@fl-counties.com.

Respectfully,

Davin J. Suggs
FAC Public Policy Director





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December 6, 2019

The Honorable Rick Scott
United States Senate
716 Hart Senate Office Building
Washington, D.C. 20510

VIA ELECTRONIC MAIL

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