



**COUNTY OF LAKE
BOARD OF SUPERVISORS**

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March 7, 2023

Honorable Congressman Mike Thompson
268 Cannon Office Building
Washington, DC 20515

Re: Inmate Medicaid (MediCal) Health Insurance Coverage

We are writing to request your support in correcting injustices borne of discontinuity in funding for medical coverage for individuals in public institutions, such as Lake County Jail.

On October 24, 2022, the County of Lake had 216 inmates in custody. Of those, 64 had been sentenced and 152 were awaiting trial.

Pursuant to Sec. 1905 [42 U.S.C. 1396d] (a) (xvii) (31) (A) of the United States Code, "Inmate[s] in a public institution (except as a patient in a medical institution)," are not afforded coverage for their medical care through federal health programs, such as Medicaid. This is known as the Medicaid Inmate Exclusion Policy (MIEP).

The Lake County Board of Supervisors request two actions to be taken by our representatives:

1. Add subsection "i" to Sec. 1905 [42 U.S.C. 1396d] (a) (xvii) (31) (A), noting, "for the purposes of paragraph (A), 'inmate' shall be defined as an institutionalized individual convicted of a crime, except as otherwise provide in paragraph (16); incarcerated persons awaiting trial shall not be excluded from coverage."

Rationale: Threatening or disrupting continuity of necessary medical care for those not yet convicted of any crime is antithetical to due process. This change would correct a clear injustice.

2. Add subsection "ii" to Sec. 1905 [42 U.S.C. 1396d] (a) (xvii) (31) (A), noting, "for the purposes of paragraph (A), local correctional institutions (e.g., County and Municipal Jails), shall be excluded from the definition of "Public institution."

Rationale: Consequent to the de-institutionalization movement of the 1960s, (e.g., the Lanterman-Petris-Short Act of 1967 in California) marked increases were observed in seriously ill individuals, particularly the mentally ill, entering the criminal justice system. In the absence of robust and well-funded networks of supportive housing facilities, for example, such local institutions frequently house people whose primary needs are medical, in nature. Such interactions with the criminal justice system render these individuals more vulnerable, not less; it is in the public interest to ensure appropriate and continuous care.

Why are these changes particularly important to Lake County?

The United States Supreme Court's *Brown v. Plata* decision found California prisons were overcrowded and violated the inmates' Eighth Amendment rights. Realignment of a greater diversity of offenders to local County jails was implemented to reduce prison overcrowding. *Brown v. Plata* also prompted new state laws such as Proposition 47 and Proposition 57, aimed at reducing prison populations. Unfortunately, strain and demands on local jails have increased.

What used to be a “365-day or less” jail is now filled with inmates serving up to three years. One inmate was recently released after completing a seven-year sentence. This significant paradigm shift has markedly increased our need to provide Jail Medical services. In 2010, the County’s contract for services provided for approximately \$1 million in annual costs; that number has grown to \$4.5 million in 2022; a potential 450% increase over 12 years.

Furthermore, in counties (like Lake) with high morbidity and mortality rates, the need for Jail Medical services is exacerbated, therefore increasing the overall cost for inmates with extended stays in the county jail. Stripping suspected offenders of medical coverage pre-trial, due to their inability to afford or being denied bail, is a breach of their Constitutional Right to be presumed innocent until proven guilty. Exempting pre-trial inmates (approximately 70% of inmates currently residing in the county jail facility in Lake County) from the MIEP would also allow reimbursement of their care, significantly reducing the County’s cost burden.

In *Brown v. Plata*, “the State conceded that deficiencies in prison medical care violated prisoners’ Eighth Amendment rights...”

The County of Lake is making every effort to provide appropriate medical care to all inmates. However, with rising costs and longer County jail sentences, this is an area of increasing challenge. The COVID-19 pandemic also revealed institutions were particularly vulnerable to spread of contagious disease; significant medical care was required.

Nearly 60 years after care-limiting 1965 Social Security Act Amendments were made, we are long overdue to revisit the effects of the MIEP. Ensure the sustainable health and safety of all inmates, and continuity of care for those with serious illness, is fundamental to a just society. Guaranteeing individuals will not lose coverage while awaiting trial is an essential support to due process.

Thank you for your ongoing support of Lake County, and your commitment to securing justice and liberty for all residents of the United States.

Please do not hesitate to contact me at (707) 263-2368.

Respectfully,

COUNTY OF LAKE

Jessica Pyska, Chair

Cc: Honorable Senator Dianne Feinstein
Honorable Senator Alex Padilla