

April 17, 2023

Hon. Kevin McCarthy
Speaker
House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Hon. Hakeem Jeffries
Minority Leader
House of Representatives
H-204, The Capitol
Washington, D.C. 20515

Hon. Chuck Schumer
Majority Leader
S-221, The Capitol
Washington, DC 20510

Hon. Mitch McConnell
Minority Leader
S-230, The Capitol
Washington, DC 20510

Hon. McMorris Rodgers
Chair
House Energy and Commerce Committee
2155 Rayburn House Office Building
Washington, DC 20515

Hon. Frank Pallone
Ranking Member
House Energy and Commerce Committee
2155 Rayburn House Office Building
Washington, DC 20515

Hon. Ron Wyden
Chair
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510

Hon. Mike Crapo
Ranking Member
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510

Speaker McCarthy, Majority Leader Schumer, Minority Leader Jeffries, Minority Leader McConnell, Chair McMorris Rodgers, Ranking Member Pallone, Chair Wyden, and Ranking Member Crapo,

The 128 undersigned organizations representing a broad, diverse group of stakeholders write today to endorse the *Reentry Act*. This critical legislation would allow incarcerated individuals to receive medical services supported by Medicaid thirty days prior to the individual's release.

Currently, the "Medicaid inmate exclusion policy" (MIEP) prohibits the use of federal funds and services for medical care for "inmates of a public institution." This policy prevents Medicaid-eligible incarcerated individuals from receiving services funded by Medicaid. The policy also prevents incarcerated veterans from receiving hospital and outpatient care in local jails from the Department of Veterans Affairs.

The MIEP was established in Sec. 1905(a)(A) of the Social Security Act, decades before the current overdose crisis began. Almost sixty years later, the MIEP has become a significant barrier to accessing substance use disorder treatment in correctional facilities. Despite nearly 60% of

incarcerated individuals having a substance use disorder, most go untreated.¹ In 2021, just 12% of jails and prisons offered medications for opioid use disorder (MOUD).² According to the *New England Journal of Medicine*, individuals reentering the community from incarcerations are 129 times more likely to die of a drug overdose during the two weeks following their release than the general population.³ Restarting a person's Medicaid coverage prior to release would enable jails and prisons to initiate and stabilize individuals on medications for opioid use disorder (MOUD), such as buprenorphine and methadone, prior to release. These FDA-approved medications have been associated with an 80% reduction in overdose mortality risk for the first month post-release. Despite its effectiveness, most jails and prisons do not provide methadone or buprenorphine for opioid use disorders.⁴

The MIEP has also negatively impacted public safety and our nation's recidivism rates. When treatment is unavailable in a correctional setting or there is not a plan to ensure continuity for care after release, the likelihood of an individual reoffending increases. Research has shown that providing buprenorphine not only reduces mortality rates among formerly incarcerated individuals with an opioid use disorder but also can lead to a 32% reduction in recidivism rates.⁵

Our organizations have differing views on many issues. However, we stand unified in our support of the *Reentry Act* and our belief that increasing access to treatment will improve public health and public safety in our communities. Thank you for your leadership.

If you have any questions, please contact Ryan Greenstein at rgreenstein@advocacyincubator.org.

Sincerely,

A New PATH (Parents for Addiction Treatment & Healing)

Academic Consortium on Criminal Justice and Health

Access Community Health Centers

ACOJA Consulting LLC

Addiction Policy Forum

Addiction Professionals of North Carolina

¹ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/behind-bars-ii-substance-abuse-and-americas-prison-population>

² <https://prisonopioidproject.org/data/>

³ Ingrid A. Binswanger, M.D., Marc F. Stern, M.D., Richard A. Deyo, M.D., Patrick J. Heagerty, Ph.D., Allen Cheadle, Ph.D., Joann G. Elmore, M.D., and Thomas D. Koepsell, M.D., Release from Prison – A High Risk of Death for Former Inmates, *The New England Journal of Medicine*, 2007, <https://perma.cc/L49X-7MZ7>

⁴ Lim S, Cherian T, Katyal M, Goldfeld KS, McDonald R, Wiewel E, Khan M, Krawczyk N, Braunstein S, Murphy SM, Jalali A, Jeng PJ, MacDonald R, Lee JD. Association between jail-based methadone or buprenorphine treatment for opioid use disorder and overdose mortality after release from New York City jails 2011-17. *Addiction*. 2022 Oct 28. doi: 10.1111/add.16071.

⁵ Elizabeth A. Evans, Donna Wilson, Peter D. Friedmann, Recidivism and mortality after in-jail buprenorphine treatment for opioid use disorder, *Drug and Alcohol Dependence*, Volume 231, 2022, <https://doi.org/10.1016/j.drugalcdep.2021.109254>.

Advocacy and Research on Reproductive Wellness of Incarcerated People at Johns Hopkins School of Medicine

AIDS United

Alliance for Safety and Justice

American Academy of PAs

American Academy of Pediatrics

American Association for Psychoanalysis in Clinical Social Work

American Association of Nurse Practitioners

American Association of Psychiatric Pharmacists (AAPP)

American College of Correctional Physicians

American College of Obstetricians and Gynecologists

American Counseling Association

American Medical Student Association

American Osteopathic Academy of Addiction Medicine.

American Psychological Association

American Public Health Association

American Society of Addiction Medicine

AMERSA, Inc

AMJ Training & Education

Association for Ambulatory Behavioral Healthcare

Association for Behavioral Health and Wellness

Association of Maternal & Child Health Programs

Boston Medical Center Health System

CADA of Northwest Louisiana

California Consortium of Addiction Programs & Professionals

CASES

Center for Behavioral Wellness

Center for Law and Social Policy (CLASP)
Child Welfare League of America
Church of Scientology National Affairs Office
Clinical Social Work Association
Coalition for Juvenile Justice
Community Catalyst
Community Oriented Correctional Health Services
Correctional Leaders Association
Council of State Governments Justice Center
Depression and Bipolar Support Alliance (DBSA)
Down Home NC
Drug Policy Alliance
Due Process Institute
Faces & Voices of Recovery
Families On The Move of NYC, Inc.
Family Based Services Association of NJ (Monmouth County, NJ Family Support Organization)
Family-Run Executive Director Leadership Association (FREDLA)
Fox Valley Perinatology
Fruit of Labor Action Research & Technical Assistance, LLC
Futures Without Violence
Georgia Council for Recovery
Global Alliance for Behavioral Health and Social Justice
Hearts on a Wire
HIV Alliance
HIV Medicine Association
Hoosier Action
Horizons

Just Detention International

Kin Health & Wellness, SPC

Law Enforcement Leaders to Reduce Crime & Incarceration

Mental Health America

Mental Health Transformation Alliance (MHTA)

Mothers On the Inside

NAADAC, the Association for Addiction Professionals

NASTAD

National Alliance for Medication Assisted Recovery (NAMA Recovery)

National Alliance on Mental Illness

National Association for Behavioral Healthcare

National Association for Rural Mental Health

National Association of County Behavioral Health and Developmental Disability Directors

National Association of Criminal Defense Lawyers

National Association of State Mental Health Program Directors

National Behavioral Health Association of Providers

National Coalition of STD Directors

National Commission on Correctional Health Care

National Council of Churches

National Health Care for the Homeless Council

National Juvenile Justice Network

National Safety Council (NSC)

NC Psychiatric Association

Nelsonville Voices

New Jersey Organizing Project

New Jersey Parents Caucus

North Carolina Formerly Incarcerated Transition Program

On The Bright Side, LLC
Operation Restoration
Oregon Health and Science University, Scappoose Clinic
Overdose Crisis Response Fund
Overdose Prevention Initiative
Partnership to End Addiction
People's Action
Police, Treatment, and Community Collaborative (PTACC)
Prison Families Alliance
Prison Policy Initiative
Progressive Leadership Alliance of Nevada
Queen City Harm Reduction
R Street Institute
Reframe Health and Justice
Rights & Democracy
River Valley Organizing
Shatterproof: Stronger Than Addiction
Stop Stigma Now
Students for Sensible Drug Policy
SUPeRAD (Substance Use & Pregnancy Recovery Addiction Dependence) Clinic
TASC, Inc. (Treatment Alternatives for Safe Communities)
Texas Harm Reduction Alliance
The Action Lab, Center for Health Law and Policy, Northeastern University School of Law
The AIDS Institute
The Fortune Society
The Kennedy Forum
The McShin Foundation

The Mental Health Association in New York State, Inc.
Thomas' Hope Foundation Inc
Treatment Communities of America
Trust for America's Health
Ventura County Medical Center
Vital Strategies
VOICES OF Community Activists and Leaders-Kentucky (VOCAL-KY)
VOCAL-NY
Washington Association of Sheriffs and Police Chiefs
Washington State Medical Association
Washington State Sheriff's Association
WestCare Foundation
Wilkes Recovery Revolution, Inc.
Women & Justice Project
Women on the Rise
CC
Senator Tammy Baldwin
Senator Mike Braun
Senator Sherrod Brown
Senator J.D. Vance
Representative Kelly Armstrong
Representative Don Bacon
Representative Lisa Blunt Rochester
Representative John Curtis
Representative Brian Fitzpatrick
Representative Dave Joyce
Representative Annie Kuster

Representative John Rutherford

Representative Jan Schakowsky

Representative Paul Tonko

Representative David Trone

Representative Mike Turner

Representative Lauren Underwood

Representative Marc Veasey