

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 126 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

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 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