



November 18, 2024

The Honorable Mike Johnson
Speaker of the House
568 Cannon House Office Building
Washington, DC 20515

The Honorable Chuck Schumer
Senate Majority Leader
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, DC 20515

RE: The Reentry Act (H.R.2400/S.1165) and Due Process Continuity of Care Act (H.R.3074/S.971)

Dear Speaker Johnson, Minority Leader Jeffries, Majority Leader Schumer, and Minority Leader McConnell:

The 66 undersigned organizations urge you to pass the *Reentry Act (H.R.2400/S.1165)* and *Due Process Continuity of Care Act (H.R.3074/S.971)* by the end of the session.

Together, our organizations represent those on the front lines of the overdose crisis—Americans personally affected and who have lost loved ones, health care and behavioral health providers, law enforcement professionals and first responders, Veterans, faith-based leaders, recovery and harm reduction specialists, health and social justice advocates, payers, and public health experts. We have come together to ask you to take immediate action to address the overdose crisis by passing the bipartisan *Reentry Act (H.R.2400/S.1165)* and the *Due Process Continuity of Care Act (H.R.3074/S.971)*.

The *Reentry Act* and *Due Process Continuity of Care Act* will help integrate substance use treatment into carceral settings, reduce recidivism, and prevent needless overdose deaths.

The *Reentry Act* would allow Medicaid coverage to start 30 days before release and the *Due Process Continuity of Care Act* would allow Medicaid coverage while an individual is awaiting trial. Both bills have bipartisan support in the current Congress, with each bill garnering nearly 100 co-sponsors. During a deadly overdose crisis, these bills are commonsense solutions to increase the availability of substance use disorder treatment for incarcerated individuals, decrease overdose deaths, and better protect public health and safety.

Fatal drug overdoses are the fastest growing cause of death amongst incarcerated individuals.¹ Additionally, inmates re-entering society are the most vulnerable population to experience a fatal overdose – individuals reentering society post incarceration are 129 times likelier to die of a drug overdose than the general population during the two weeks following their release.²

Increasing access to medications for opioid use disorder (MOUD) saves lives and has been associated with an 80% reduction in overdose mortality risk for the first month post-release.³ According to mathematical modeling from the Office of National Drug Control Policy, the consistent provision of MOUD while incarcerated and immediately upon release, could prevent upwards of 11,600 to 15,900 overdose deaths per year.⁴ In addition to preventing overdose deaths, individuals who received MOUD while incarcerated had an estimated 32% lower risk of recidivism than those who did not.⁵

By allowing Medicaid coverage during the critical windows when an individual is returning to the community from incarceration and the period while they are awaiting trial, the *Reentry Act* and *Due Process Continuity of Care Act* represent two of the strongest opportunities for the 118th Congress to increase public safety and improve public health outcomes nationwide. We urge you to pass these pieces of legislation by the end of the session to save lives and to extend the hope of healing to communities across the country. With more than 100,000 overdose deaths occurring each year, the time to expand access to safe and effective treatment is now.

¹ Carson, E. A. (2021, April). *Mortality in local jails, 2000-2018*. U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/mlj0018st.pdf>

² 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://pubmed.ncbi.nlm.nih.gov/17215533/>

³ 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.

⁴ The Office of National Drug Control Policy. (2024, March 14). *Statement by White House ONDCP director on the president's fiscal year 2025 budget*. The White House.

<https://www.whitehouse.gov/ondcp/briefing-room/2024/03/11/statement-by-white-house-ondcp-director-on-the-presidents-fiscal-year-2025-budget/#:~:text=The%20consistent%20delivery%20of%20Medications,Control%20Budget%20is%20%244.1%20billion.>

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>.

Thank you for your consideration. For more information about this letter, please reach out to Libby Jones at the Global Health Advocacy Incubator, Overdose Prevention Initiative (ljones@advocacyincubator.org).

Sincerely,

1. ACOJA Consulting LLC
2. AIDS United
3. Alliance for Safety and Justice
4. American Academy of Physician Associates
5. American Association of Psychiatric Pharmacists
6. American College of Correctional Physicians
7. American College of Obstetricians and Gynecologists
8. American Correctional Association (ACA)
9. American Osteopathic Academy of Addiction Medicine
10. American Psychological Association Services
11. American Public Health Association
12. American Society of Addiction Medicine
13. AMERSA
14. Association for Ambulatory Behavioral Healthcare
15. Association for Behavioral Health and Wellness
16. Association of Maternal & Child Health Programs
17. C4 Recovery Foundation
18. California Consortium of Addiction Programs & Professionals
19. Church of Scientology National Affairs Office
20. Community Catalyst
21. Community Oriented Correctional Health Services
22. Connection Cafe
23. Drug Policy Alliance
24. Due Process Institute
25. East Kentucky Rehabilitation Center
26. Faces & Voices of Recovery
27. Family Run Executive Director Leadership association, Inc. (FREDLA)
28. Global Alliance for Behavioral Health & Social Justice
29. HIV Medicine Association
30. Hope Mission of Coastal Carolina
31. IC&RC
32. International Community Justice Association
33. KLN Consulting LLC
34. Law Enforcement Leaders to Reduce Crime & Incarceration
35. Legal Action Center
36. Maine's People Alliance
37. Major County Sheriffs of America
38. NAADAC, the Association for Addiction Professionals

39. National Alliance on Mental Illness
40. National Association of Counties (NACo)
41. National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD)
42. National Association of Criminal Defense Lawyers
43. National Association of State Mental Health Program Directors
44. National Behavioral Health Association of Providers
45. National Center of Advocacy and Recovery. Inc. (NCAAR)
46. National Commission on Correctional Health Care
47. National Council for Mental Wellbeing
48. National Council of Churches
49. National Criminal Justice Association
50. National District Attorneys Association
51. National Health Care for the Homeless Council
52. National Sheriffs' Association
53. National Youth Justice Network
54. Overdose Crisis Response Fund
55. Overdose Prevention Initiative
56. Partnership to End Addiction
57. Paul's Plan Ministries
58. People's Action
59. Princeton Overdose Prevention Project (POP)
60. Prison Families Alliance
61. Prison Policy Initiative
62. R Street Institute
63. Shatterproof
64. Stop Stigma Now
65. TASC, Inc. (Treatment Alternatives for Safe Communities)
66. University of Alaska Anchorage, Human Services-SUD