

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
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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 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

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>

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,

SIGNATORIES

CC

Senator Tammy Baldwin

Senator Mike Braun

Representative Paul Tonko

Representative Mike Turner

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

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>.

Representative Jan Schakowsky

Representative Lauren Underwood

Representative Marc Veasey