

SENATE RESOLUTION NO. 98

BY SENATOR DUPLESSIS

A RESOLUTION

To urge and request the Louisiana Department of Health to study the feasibility and associated cost of requesting a waiver from the United States Department of Health and Human Services to allow Medicaid reimbursement for individuals, including juveniles in detention.

WHEREAS, Section 1115 of the federal Social Security Act gives the secretary of United States Department of Health and Human Services (HHS) authority to approve experimental, pilot, or demonstration projects that are found by the secretary to promote the objectives of the Medicaid program; and

WHEREAS, fifteen states have submitted a partial waiver request to the Center for Medicare and Medicaid Services (CMS) to allow Medicaid reimbursement for incarcerated individuals to improve healthcare transitions into the community; and

WHEREAS, Section 5032 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) (Pub. L. No. 115-271), Promoting State Innovations to Ease Transitions Integration to the Community for Certain Individuals, directs the secretary of HHS to "work with states on innovative strategies to help individuals who are inmates of public institutions and otherwise eligible for medical assistance under the Medicaid program under Title XIX of the Social Security Act transition, with respect to enrollment for medical assistance under such program, seamlessly to the community"; and

WHEREAS, the first state has received approval from CMS to partially waive the statutory Medicaid inmate exclusion policy allowing Medicaid reimbursable services to be provided to incarcerated individuals ninety days prior to release; and

WHEREAS, CMS released guidance to states on this specific issue on April 17, 2023; and

WHEREAS, Louisiana has the highest incarceration rate in the country and justice-involved individuals are disproportionately low-income and often have complex and chronic conditions; and

WHEREAS, the majority of individuals, including juveniles, that enter custody have unmet health needs, including serious physical, mental, emotional, and behavioral needs; and

WHEREAS, providing pre-release services for individuals through Medicaid would improve continuity of care, prevent disruptions in services, and save the lives of individuals with unmet health needs by creating a post-release care plan that addresses addiction-related recidivism and reduces overdose deaths; and

WHEREAS, one of the critical terms of the waiver is the opportunity for the provision of behavioral health services, including mental health and substance use disorder treatments; and

WHEREAS, this type of waiver would present an opportunity for Louisiana to address health disparities, reduce long-term health care costs, and improve the overall health of incarcerated individuals, including juveniles in the state.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana Department of Health to study the feasibility and associated cost of requesting a waiver from the United States Department of Health and Human Services to allow Medicaid reimbursement for individuals in detention, including juveniles.

BE IT FURTHER RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana Department of Health to make a written report of the results of the feasibility and cost analysis conducted regarding a waiver request under Section 1115 of the Social Security Act to the Louisiana Legislature no later than January 1, 2024.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health.

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PRESIDENT OF THE SENATE