

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

LLS NO. R18-0252.01 Joel Moore x4497

HJR18-1012

HOUSE SPONSORSHIP

Benavidez and Michaelson Jenet,

SENATE SPONSORSHIP

Crowder and Fields,

House Committees

Public Health Care & Human Services

Senate Committees

HOUSE JOINT RESOLUTION 18-1012

101 **CONCERNING THE MEDICAID ELIGIBILITY OF INDIVIDUALS BEING HELD**
102 **IN A CORRECTIONAL FACILITY BUT WHO HAVE NOT BEEN**
103 **CONVICTED OF A CRIME.**

1 WHEREAS, Under current federal Medicaid policy, individuals
2 who are incarcerated or inmates in a correctional facility are not eligible
3 to receive Medicaid benefits unless the individual has been admitted as
4 an inpatient at a hospital for at least twenty-four hours; and

5 WHEREAS, To avoid violating this statutory inmate exclusion,
6 states have typically terminated Medicaid enrollment when an inmate is
7 booked into a county jail; and

8 WHEREAS, This prohibition on Medicaid eligibility for
9 incarcerated individuals also includes individuals who are being held in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Final Reading
April 25, 2018

HOUSE
Final Reading
April 24, 2018

1 county jails awaiting trial; that is, pretrial detainees who are being held in
2 county jails but who have not been convicted of a crime are denied
3 Medicaid eligibility; and

4 WHEREAS, County jails annually admit 18 times more
5 individuals than state or federal prisons; more than 6 in 10 inmates in
6 county jails are presumed innocent; and the county jail population has
7 more mental health disorders, a higher incidence of substance abuse, and
8 a higher rate of chronic health conditions than the general population; and

9 WHEREAS, If a pretrial detainee becomes ill, the county jail is
10 forced to pay that person's medical expenses; and

11 WHEREAS, More than 95% of total jail inmates eventually return
12 to their communities, bringing their health concerns with them, and it can
13 take months for an individual to be reapproved for Medicaid upon
14 release; and

15 WHEREAS, The coverage gap caused by terminating Medicaid
16 coverage can lead to rearrests and recidivism; and

17 WHEREAS, Providing health care for inmates makes up a major
18 part of local jail operating costs, and requiring local governments to cover
19 health care costs for inmates who have not been convicted places an
20 unnecessary burden on local governments; and

21 WHEREAS, County jails in Colorado could realize a significant
22 savings if pretrial detainees are allowed to retain their Medicaid
23 eligibility; and

24 WHEREAS, House Resolution 165, introduced in the United
25 States House of Representatives on January 3, 2017, would remove
26 limitations on Medicaid benefits and other federal benefits for individuals
27 in custody pending disposition charges; now, therefore,

28 *Be It Resolved by the House of Representatives of the Seventy-first*
29 *General Assembly of the State of Colorado, the Senate concurring herein:*

30 That we, the members of the Colorado General Assembly, strongly
31 urge the United States Congress to amend the law concerning Medicaid
32 eligibility of incarcerated individuals so that persons who are detained in
33 state and local facilities but who have not been convicted of a crime retain

1 their Medicaid eligibility until conviction.

2 *Be It Further Resolved*, That copies of this Joint Resolution be sent
3 to Colorado's Congressional delegation.