

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.<sup>1</sup> In 2021, just 12% of jails and prisons offered medications for opioid use disorder (MOUD).<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

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](mailto: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

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<sup>1</sup> <https://www.ojp.gov/ncjrs/virtual-library/abstracts/behind-bars-ii-substance-abuse-and-americas-prison-population>

<sup>2</sup> <https://prisonopioidproject.org/data/>

<sup>3</sup> 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>

<sup>4</sup> 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.

<sup>5</sup> 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