

# Medicaid Criminal Justice Projects

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# Considerations During and After Incarceration

## Health Needs

- **65%** of prison inmates have a SUD, vs **18%** in general population
- Up to **37%** (prison) and **44%** (jail) have a mental health disorder
- **80%** of returning community members have chronic physical or behavioral health concerns - even if they don't have them coming in
- Higher rates of incarceration for BIPOC populations compound health disparities

## Heightened Risk

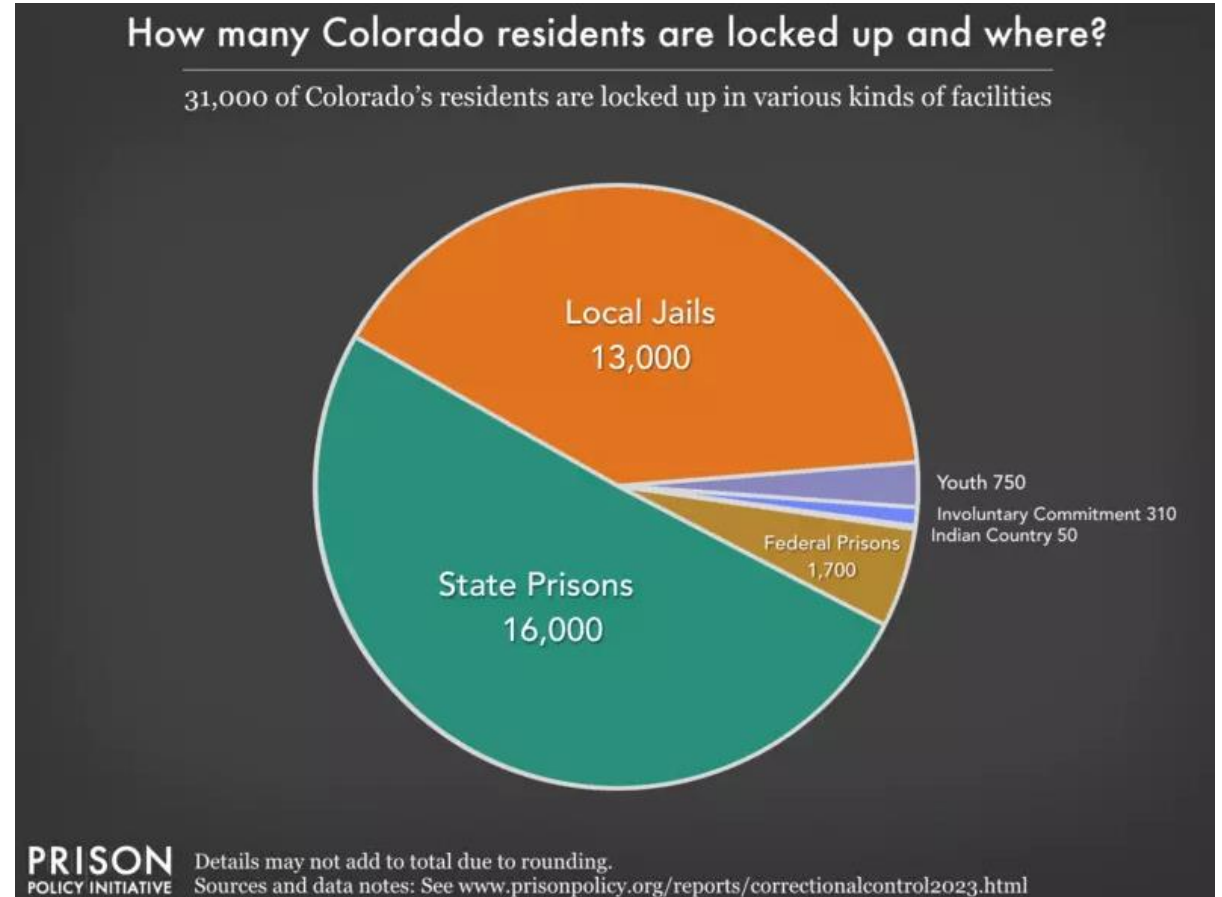
- Risk of death two weeks after release is **12.7 times higher** than general populations
- Risk of death from opioid overdose **129 times higher** than general population
- Significantly increased risk for ED use and hospitalization
- Those with SUD convictions have greater risk of criminal re-involvement and recidivism

## Higher Medical Costs

- \$6,641 spent per person in prison in CO for health-related services
- 4.2% of the U.S. adult population has recent CJ involvement, but account for an estimated 7.2% of hospital expenditures and 8.5% of ED expenditures

# Justice-Involved Population in Colorado

- Data from other states shows ~80% of people leaving incarceration are Medicaid eligible
- RAEs have data sharing agreements with DOC and Judicial to better support members as they transition to the community
- Engagement in behavioral health services within 14 days of release from DOC has increased from 9% to 30.65% since implementation of data sharing in 2019



# Medicaid Inmate Exclusion Policy (MIEP)

- Federal prohibition on Medicaid covering services while an individual is an inmate of a public institution.
- Only exception is 24+ hour inpatient hospital admission.

# Criminal Justice Projects Overview

## Statewide Criminal Justice Partnerships with HCPF (ARPA 8.10)

Identify gaps, develop recommendations, strategic plan and implement best practices for connecting justice-involved members with Colorado Medicaid services.



## Medicaid & CHP+ Juvenile Justice Transition Support (CAA 2023, Sec. 5121)

Juvenile-only transition services. Must be operational by Jan 1, 2025.



## Criminal Justice 1115 SUD Waiver Amendment

Assuring coverage, access, and engagement with services for Medicaid-eligible members transitioning out of carceral settings.

Continuous eligibility coverage.

### Serving Criminal Justice - Involved Members

Understanding and addressing the unique context and intense needs of the historically underserved justice-involved population.

# ARPA 8.10 - Criminal Justice Partnerships

# ARPA 8.10 Criminal Justice Partnerships Background

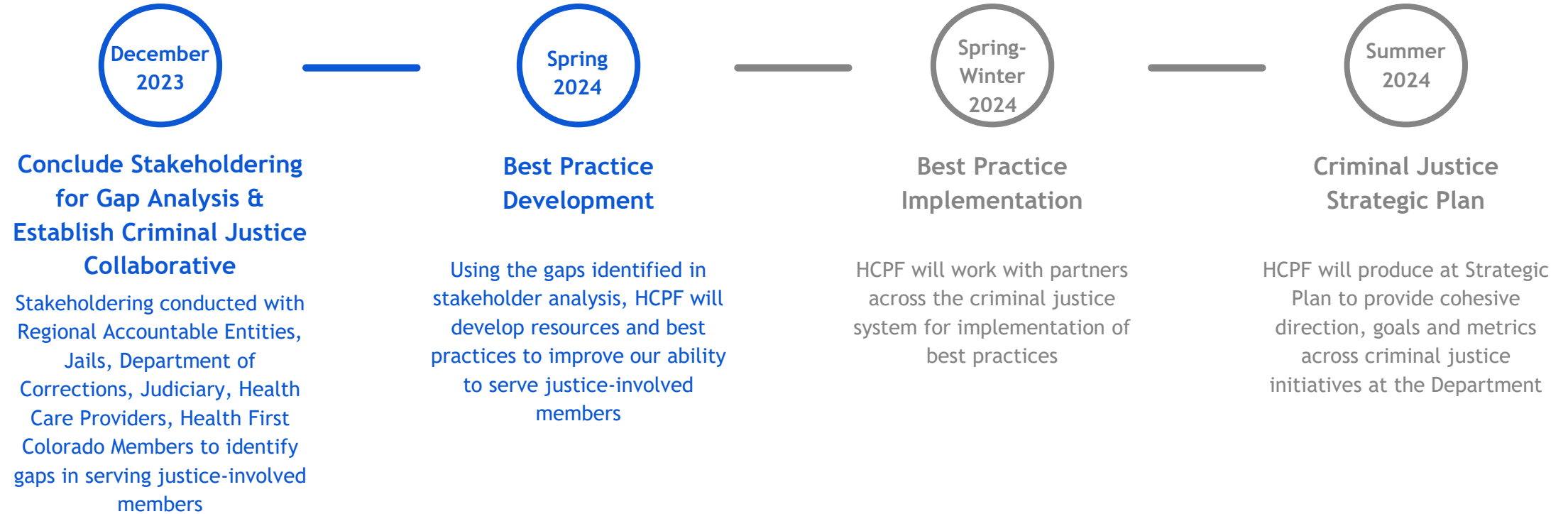
## Project Goals:

- Identify best practices for working with justice-involved members
- Identify what needs are most important to justice-involved members
- Work within each level of the justice system to implement best practices and address gaps identified in stakeholdering

## Project is receiving input from:

- Regional Accountable Entities
- Jails
- Department of Corrections
- Judiciary
- Health Care Providers
- Health First Colorado Members
- Department of Youth Services
- Community Partners

# ARPA 8.10 Project Timeline





# HCPF Criminal and Juvenile Justice Collaborative

The HCPF Criminal and Juvenile Justice Collaborative (CJJC) provides ongoing feedback to ensure robust stakeholder participation in the development of criminal justice projects including:

- ARPA 8.10 - Criminal Justice Partnerships
- Consolidated Appropriations Act (CAA) of 2023, 5121 - Juvenile Justice
- 1115 Re-entry Waiver

1:00 - 2:00 on the 4th Wednesday of Each Month - Open to the public

<https://hcpf.colorado.gov/HCPF-criminal-justice-collaborative>

# CAA 2023: Juvenile Justice Transition Support

# CAA, 5121 2023: Juvenile Justice Transition Support

## Consolidated Appropriations Act, 2023

- Federal budget bill requiring all states to offer **screenings, diagnostics services, referrals, and targeted case management** services for juveniles in public institutions
- Benefit timeframe: post-adjudication and 30 days prior to release
- Implementation date: January 1, 2025
- Applies to both Medicaid and CHP+

# 1115 SUD Waiver Amendment - Reentry Services



# What is a waiver?

- Federal rules set eligibility and required benefits standards for Medicaid and CHP+
- **States can request to WAIVE some federal rules** to have more flexibility and offer coverage to more people and cover more services
- Five year agreement
  - Option for renewal
  - States can amend existing 1115 waivers to ask for additional services
- Waivers require additional reporting to CMS and an evaluation component to demonstrate the waivers effectiveness



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# 1115 SUD Waiver Work

**Current 1115 SUD waiver:** Covers Substance Use Disorder (SUD) services in Institutions for Mental Disease (IMDs) and other settings. CMS Approval period: January 1, 2021- December 31, 2025.

HCPF is preparing to submit a proposed 1115 SUD waiver amendment to CMS in April 2024. Key Provisions include:

- **Continuous Eligibility Coverage for Children 0-3 Years of Age (HB23-1300)**
- **Continuous Eligibility Coverage for Adults Released from Colorado Department of Corrections Facilities (HB23-1300)**
- **Serious Mental Illness and Serious Emotional Disturbance (SMI & SED) Care in an IMD**
- **Criminal Justice Reentry Services**

# Medicaid Coverage in Jails & Prisons

History of ‘Medicaid Inmate Exclusion Policy’ (MIEP) - a federal prohibition on Medicaid covering services while an individual is an inmate of a public institution

## Pre-release Coverage for Better Care Transitions

Following [CMS guidance](#), Colorado applied on April 1, 2024

- Coverage up to 90 days pre-release and must include:
  - Case management,
  - MAT services and accompanying counseling, and
  - 30-day supply of all meds upon release
- Eligible Facilities: state prisons and youth detention facilities. Colorado plans to incorporate jails one year after implementation.

## Goals of Pre-Release Coverage through Medicaid

- Reducing recidivism, health disparities, hospitalization, death
- Better connection to care, better health outcomes
- Expanding total access to physical and behavioral health care

# 1115 SUD Waiver Amendment - Continuous Coverage





# Continuous Coverage

This request seeks to:

- Ensure 12 months of continuous Medicaid coverage for adults leaving incarceration (DOC)
- Promote longer-term access to and continuity of physical and behavioral health care and care coordination
- Combat racial inequalities
- Improve short and long-term physical and behavioral health outcomes and reduce recidivism for adults leaving the criminal justice system

# Continuous Coverage

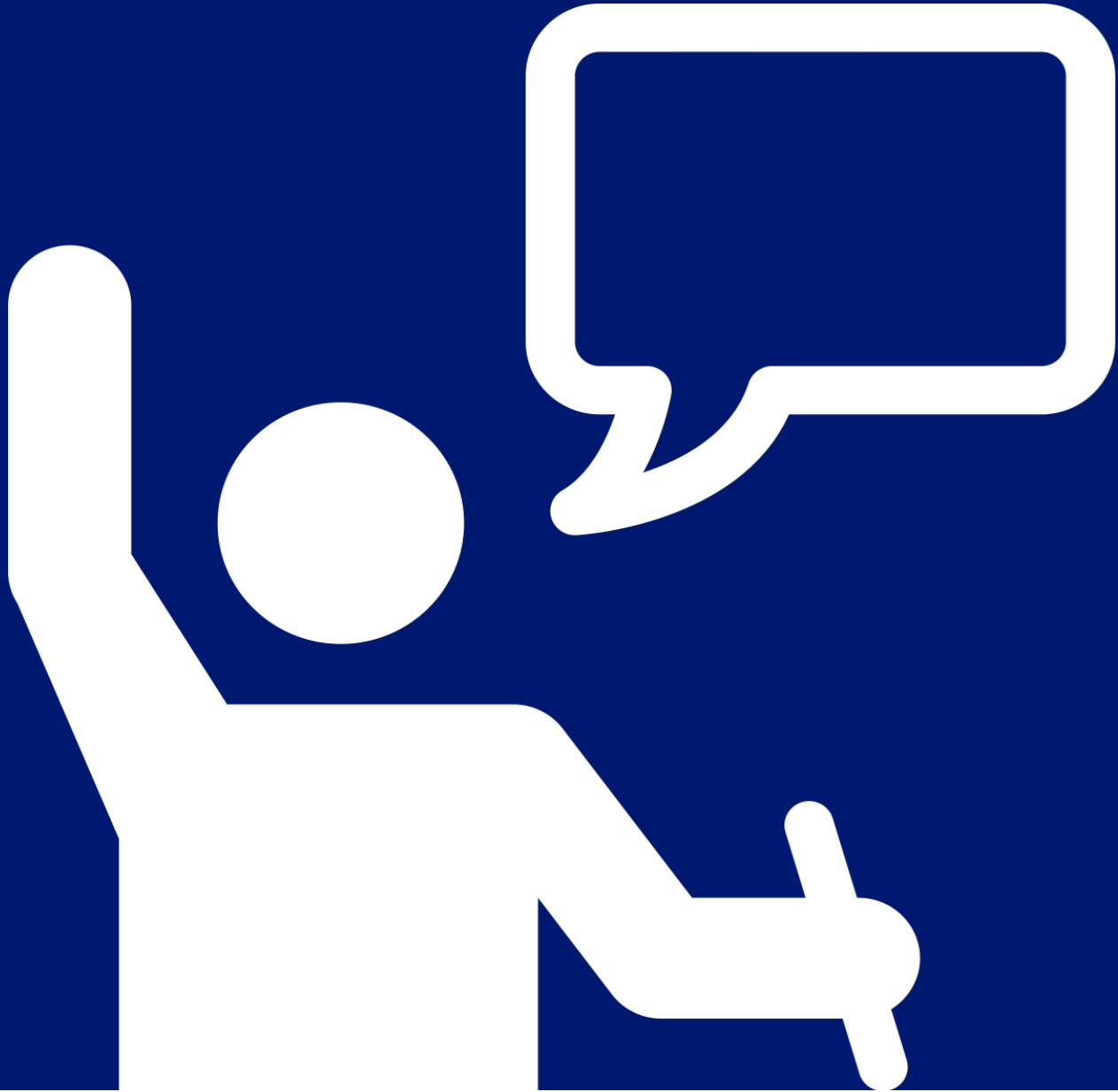
- A Medicaid-eligible adult shall remain continuously eligible for Medicaid without regard to income for a period of 12 months beginning on the date of release.
- Eligibility will continue to be monitored by the State.
- Eligible adults who have moved out of state will not retain coverage.
- Coverage will not be retained when an adult has requested voluntary disenrollment, the state determines eligibility was erroneously granted, or the individual is deceased.

# What's next for Waivers?

- [HB24-1045 Treatment for Substance Use Disorders](#) directs the Department to move forward with providing reentry services. The Colorado Legislature passed the bill on 5/6/24.
- HCPF is preparing to work with the Centers for Medicare and Medicaid Services (CMS) on approval, implementation and monitoring of the 1115 SUD Waiver amendment.

# Resources and Follow Up

- [SB22-196 Report](https://hcpf.colorado.gov/legislator-resource-center) and [Alternative Plan](https://hcpf.colorado.gov/legislator-resource-center) are located on the [hcpf.colorado.gov/legislator-resource-center](https://hcpf.colorado.gov/legislator-resource-center) webpage in the “reports” section
- [HB24-1045 Treatment for Substance Use Disorders](https://hcpf.colorado.gov/legislator-resource-center)
- Health First Colorado and Criminal Justice Involved Populations <https://hcpf.colorado.gov/health-first-colorado-and-criminal-justice-involved-populations>
- Criminal Justice Collaborative: <https://hcpf.colorado.gov/HCPF-criminal-justice-collaborative>
- [Sign up](#) for HCPF criminal justice related updates



# Questions

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# Health Related Social Needs 1115 SUD Waiver Amendment



# HRSN Amendment to the 1115 SUD Waiver

Authorized by the passage of [House Bill 24-1322 “Medicaid Coverage Housing & Nutrition Services”](#), the Department of Health Care Policy and Financing (HCPF) will submit a Health-Related Social Needs (HRSN) 1115 waiver amendment earlier than anticipated, focusing on housing and nutrition supports.

HCPF will host 3 stakeholder meetings about the amendment, these meetings will all cover the same content. Register below.

- May 9, 2024 from 12:00 - 1:00 pm. Register [here](#) via Zoom. (Spanish language interpretation and live captioning available)
- May 9, 2024 from 5:00 - 6:00 pm. Register [here](#) via Zoom.
- May 14, 2024 from 5:00 - 6:00 pm. Register [here](#) via Zoom.

Email [hcpf\\_1115waiver@state.co.us](mailto:hcpf_1115waiver@state.co.us) for more information and to make meeting accessibility requests at least on week prior to the meetings.