



## Legislation Text

**File #:** Res 0284-2002, **Version:** \*

Res. No. 284

Resolution calling upon the New York State Legislature to enact Assembly Bill A.844-A, and its companion Senate Bill, S.1212-A, which would amend and expand Section 364-i of the Social Services law to include mentally ill persons who are discharged, without health insurance, from psychiatric inpatient care at a State mental hospital or a prison operated by the State, County or City of New York, so that such persons shall be presumed eligible for Medicaid coverage from the date of discharge, and so that mentally ill prison inmates can more easily and effectively receive all the benefits of an adequate discharge plan, as mandated in the case of Brad H. v. The City of New York, immediately upon release.

By Council Members López, Avella, Baez, Clarke, DeBlasio, Foster, Gerson, McMahon, Monserrate, Quinn, Recchia, Rivera, Serrano, Jackson, Brewer, Dilan and Gennaro; also Council Member Rodriguez

Whereas, Currently, the vast majority of mentally ill persons who are released from State mental hospitals, prisons or jails have no health care coverage at the time of discharge or release; and  
Whereas, The vast majority of such population is eligible for health insurance coverage under Medicaid, but are not allowed to apply for Medicaid until they are discharged or released; and  
Whereas, There is a significant lapse of time between the filing of the Medicaid application and a person's acceptance into the Medicaid program; and  
Whereas, Without appropriate follow-up medical care that includes on-going access to medications, clinic visits, and referrals to and treatment by medical professionals, such as psychiatrists, psychologists, and certified social workers, mentally ill prison inmates, such as those at Rikers Island located in Queens, as well as patients in State mental hospitals, often decompensate and act out in the community; and  
Whereas, Seriously mentally ill persons who are released from prisons, jails or State hospitals without an adequate discharge plan for continued medical treatment, as mandated by the New York State Supreme Court in the case of Brad H. v. The City of New York, 712 N.Y.S.2d 336 (Sup. Ct., N.Y. County) (September 12, 2000), aff'd 276 A.D.2d 440 (App.Div. 1st Dept.) ("Brad H."), often engage in anti-social behaviors which have unintended criminal consequences; and  
Whereas, Often such persons' anti-social behaviors cause them to be re-incarcerated or re-hospitalized, creating a "revolving door" cycle; and  
Whereas, Such persons are in need of the preparation of a comprehensive discharge plan prior to their release from prisons or State mental hospitals that includes on-going access to medications, clinic visits, and referrals to medical and mental health professionals in the community; and  
Whereas, If such appropriate follow-up care were made available to mentally ill persons immediately upon their release, such persons would have a much greater and more substantial opportunity to remain stable and become integrated into our communities, and thereby avoid the "revolving door" cycle of re-incarceration or re-hospitalization; and  
Whereas, Such persons are now prohibited from applying for Medicaid until they are released; and  
Whereas, Presumptive Medicaid eligibility, which would be provided to such persons upon enactment of Assembly Bill A. 844-A, and its companion Senate Bill, S.1212-A, is a humane and cost effective tool to avoid the "revolving door" cycle which the mentally ill and poor are subjected to; and  
Whereas, Current law provides for presumptive Medicaid eligibility for similarly situated uninsured individuals who are transferred from general hospitals to a certified home health agency or a long-term health care program based on certain eligibility criteria; and  
Whereas, Assembly Bill A.844-A, and its companion Senate Bill, S.1212-A, would have minimal fiscal impact because existing federal law provides for three months retroactive eligibility for Medicaid benefits; and  
Whereas, Assembly Bill A.844-A, and its companion Senate Bill, S.1212-A, would offset any cost increased from utilization growth or assumption of the local share due to the savings resulting from the reduced rate of recidivism; and  
Whereas, It is fair and equitable that such a high-risk population be afforded the opportunity to immediately receive medical treatment immediately following discharge; now, therefore, be it  
Resolved, That the Council of the City of New York calls upon the Administration of the City of New York to provide adequate discharge planning to mentally ill persons who are released from prisons or jails as mandated in the Court Order issued in the Brad H. case; and, be it further  
Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact Assembly Bill A.844-A, and its companion Senate Bill, S.1212-A, which would amend and expand Section 364-i of the Social Services law to include mentally ill persons who are discharged, without health insurance, from psychiatric inpatient care at a State mental hospital or a prison operated by the State, County or City of New York, so that such persons shall be presumed eligible for Medicaid coverage from the date of discharge, and so that mentally ill prison inmates can more easily and effectively receive all the benefits of an adequate discharge plan, as mandated in the case of Brad H. v. The City of New York, immediately upon release.

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