



Legislation Text

File #: Res 0263-2004, **Version:** A

Res. No. 263-A

Resolution calling upon the New York State Department of Health to abide by federal law requiring that incarcerated individuals are returned to Medicaid rolls immediately upon release, by suspending, rather than terminating, the Medicaid benefits of people incarcerated in city jails.

By Council Members Clarke, Foster, Gerson, James, Koppell, Lopez, Martinez, Perkins, Sanders, Vann, Jackson, Palma, Liu, Boyland and Brewer

Whereas, Inmates in correctional facilities suffer a wide range of acute and chronic medical conditions, including HIV, mental illness, substance abuse, Hepatitis, diabetes, and tuberculosis; and

Whereas, The New York City Department of Health estimates that 10-20% of jail inmates are HIV positive; and

Whereas, In Fiscal Year 2002, 20% of inmates, including 37.5% of women inmates, required detoxification services, and 8% of inmates had asthma; and

Whereas, Approximately 29% of inmates receiving mental health services in 2001 were diagnosed with severe mental illness; and

Whereas, Federal Medicaid benefits are essential for inmates released from jail to access community treatment services for their psychiatric, addiction, and medical conditions; and

Whereas, Federal law prohibits Medicaid payments for services provided to any individual who is an inmate in a correctional facility; and

Whereas, Suspending an eligible individual from Medicaid payment status during their period of incarceration is a permissible means of complying with federal law; and

Whereas, According to the United States Secretary of Health and Human Services Tommy Thompson,

“unless a state determines that an individual is no longer eligible for Medicaid, states must ensure that incarcerated individuals are returned to the Medicaid eligibility rolls immediately upon release;” and

Whereas, If Medicaid eligibility is merely suspended, rather than terminated, during incarceration, eligibility can be quickly restored upon release; and

Whereas, The New York State Department of Health and the New York City Department of Social Services, however, terminate, rather than suspend, Medicaid recipients’ eligibility upon incarceration; and

Whereas, If Medicaid eligibility is terminated it often takes 45 days for these necessary benefits to be restored; and

Whereas, The practice of terminating Medicaid eligibility unnecessarily impedes the access of former inmates to essential medical services and its effect may be a violation of federal law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health to abide by federal law requiring that incarcerated individuals are returned to Medicaid rolls immediately upon release, by suspending, rather than terminating, the Medicaid benefits of people incarcerated in city jails.

LS# 652
RBU
11/08/2004