



Issue Brief

MICHIGAN COUNTIES

LEGISLATIVE CONFERENCE

Lansing Center | DoubleTree Hotel | April 29 - May 1, 2024

Medicaid Inmate Exclusion Policy

Background

The Medicaid Inmate Exclusion Policy (MIEP) prohibits states from billing Medicaid for any inmate care unless the covered individual requires a hospital stay of at least 24 hours. MIEP also denies federal Medicaid benefits to individuals who are still presumed innocent under the Constitution.

Approximately two-thirds of the county jail population across the United States are pre-trial detainees who have not been convicted of a crime. County jails are now some of the largest behavioral health care providers, with our national mental health crisis concentrated in county jails. Not only do counties provide these necessary services, but they are paying to fill the gap for those who are awaiting trial – and local taxpayers are paying for it. MIEP results in the full cost of health care for uninsured inmates being shifted to counties and local taxpayers, rather than the federal-state-local government partnership for safety-net services.

MAC's Efforts

- MAC has prioritized reforming the Medicaid Inmate Exclusion Policy at the state and federal level. At the state level, MAC has pushed the State of Michigan to apply for a Section 1115 Re-entry waiver. With federal approval, the waiver would exempt Michigan from MIEP with specific caveats. Ideally, an approved proposal would include Medicaid coverage for county jail inmates and juvenile detainees for 90 days prior to release.
- MAC has partnered with other local stakeholders to help the Michigan Department of Health and Human Services to craft a proposal that reflects the needs of counties.
- MAC supports multiple federal legislative initiatives aimed at reforming the MIEP and advocates for such changes to Michigan's federal delegation alongside NACo.



Message to Lawmakers

- Counties and local taxpayers cannot and should not carry the burden of healthcare costs for uninsured inmates when federal benefits are available.
- The Michigan Department of Health and Human Services must join 20 states in applying for the Section 1115 Re-entry Waiver to allow for Medicaid coverage for inmates up to 90 days prior to release.
- The policy is not only a cost burden on counties, but also an infringement upon the constitutional rights of pre-trial detainees who have not been convicted of a crime.