



April 6, 2023

Elizabeth Hertel  
Director  
Michigan Department of Health and Human Services  
333 S. Grand Ave.  
Lansing, MI 48909

Re: Medicaid Section 1115 Waiver

Dear Director Hertel,

The Michigan Association of Counties (MAC), Michigan Sheriffs' Association (MSA) and Community Mental Health Association of Michigan (CMHAM) write to request the Michigan Department of Health and Human Services apply for a Medicaid Section 1115 waiver from the federal Centers for Medicare and Medicaid Services.

The federal Medicaid Inmate Exclusion Policy does not differentiate between a convicted inmate and a person incarcerated in a public institution prior to conviction. The Medicaid Section 1115 waiver can be used to offset portions of the Medicaid Inmate Exclusion Policy. Counties are now responsible for the cost of health care for inmates within county jails that require health care and are excluded from Medicaid coverage due to federal policy. This is not only incredibly costly to counties, but it also circumvents the constitutional rights of individuals who are presumed innocent until proven guilty. Re-entry services aim to improve care transitions for the Medicaid-eligible inmates upon release, increase continuity of health coverage, prevent disruptions in care and improve overall health outcomes.

Precedent is already in place for applying for and receiving this waiver. California was approved for a Medicaid Section 1115 waiver on Jan. 26, 2023, with coverage 90 days prior to release of an individual who is incarcerated. Fourteen other states have applied for the waiver and are awaiting approval from the Centers for Medicare and Medicaid Services.

MAC, MSA and CMHAM are requesting a meeting with you for further discussion on MDHHS' willingness to apply for the Medicaid Section 1115 waiver.

Respectfully,

Stephan W. Currie  
Executive Director  
Mich. Assoc. of Counties

Matthew Saxton  
Executive Director  
Mich. Sheriffs' Assoc.

Robert Sheehan  
Executive Director  
Community Mental Health Assoc.