

2023 Regular Session

SENATE RESOLUTION NO. 98

BY SENATOR DUPLESSIS

MEDICAID. Requests the Louisiana Department of Health to apply for a waiver from the United States Department of Health and Human Services to allow Medicaid reimbursement for individuals, including juveniles in detention.

1 A RESOLUTION

2 To urge and request the Louisiana Department of Health to apply for a waiver from the
3 United States Department of Health and Human Services to allow Medicaid
4 reimbursement for individuals, including juveniles in detention.

5 WHEREAS, Section 1115 of the federal Social Security Act gives the secretary of
6 United States Department of Health and Human Services (HHS) authority to approve
7 experimental, pilot, or demonstration projects that are found by the secretary to promote the
8 objectives of the Medicaid program; and

9 WHEREAS, fifteen states have submitted a partial waiver request to the Center for
10 Medicare and Medicaid Services (CMS) to allow Medicaid reimbursement for incarcerated
11 individuals to improve healthcare transitions into the community; and

12 WHEREAS, Section 5032 of the Substance Use-Disorder Prevention that Promotes
13 Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) (Pub.
14 L. No. 115-271), Promoting State Innovations to Ease Transitions Integration to the
15 Community for Certain Individuals, directs the secretary of HHS to "work with states on
16 innovative strategies to help individuals who are inmates of public institutions and otherwise
17 eligible for medical assistance under the Medicaid program under title XIX of the Social
18 Security Act transition, with respect to enrollment for medical assistance under such

1 program, seamlessly to the community"; and

2 WHEREAS, the first state has received approval from CMS to partially waive the
3 statutory Medicaid inmate exclusion policy allowing Medicaid reimbursable services to be
4 provided to incarcerated individuals ninety days prior to release; and

5 WHEREAS, CMS released guidance to states on this specific issue on April 17,
6 2023; and

7 WHEREAS, Louisiana has the highest incarceration rate in the country and
8 justice-involved individuals are disproportionately low-income and often have complex and
9 chronic conditions; and

10 WHEREAS, the majority of individuals, including juveniles, that enter custody have
11 unmet health needs, including serious physical, mental, emotional, and behavioral needs; and

12 WHEREAS, providing pre-release services for individuals through Medicaid would
13 improve continuity of care, prevent disruptions in services, and save the lives of individuals
14 with unmet health needs by creating a post-release care plan that addresses addiction-related
15 recidivism and reduces overdose deaths; and

16 WHEREAS, one of the critical terms of the waiver is the opportunity for the
17 provision of behavioral health services, including mental health and substance use disorder
18 treatments; and

19 WHEREAS, this type of waiver would present an opportunity for Louisiana to
20 address health disparities, reduce long-term health care costs, and improve the overall health
21 of incarcerated individuals, including juveniles in the state.

22 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
23 does hereby urge and request the Louisiana Department of Health to apply for a waiver from
24 the United States Department of Health and Human Services to allow Medicaid
25 reimbursement for individuals in detention, including juveniles.

26 BE IT FURTHER RESOLVED that the Senate of the Legislature of Louisiana does
27 hereby urge and request the Louisiana Department of Health to study the feasibility and
28 associated costs of requesting a waiver from CMS to allow Medicaid reimbursement for
29 individuals in detention, including juveniles.

30 BE IT FURTHER RESOLVED that the Senate of the Legislature of Louisiana does

