

**Proposal to CCP
Process and Evaluation Committee
to Facilitate Medi-Cal Enrollment for Detainees Departing Santa Rita Jail as
Provided by Law**

Affordable Care Act

In 2014 the Affordable Care Act expanded eligibility under the Medicaid Program (Medi-Cal in California). Federal law requires the Secretary of Health and Human Services to develop and provide to each state a single, streamlined form that may be used to apply for all state health subsidy programs.

The Welfare and Institutions Code Section 14011.10. (a) provides:

- Medi-Cal benefits are “suspended” effective the date of incarceration. County welfare departments must notify the California Department of Health Care Services within 10 days of knowledge of a beneficiary’s incarceration.
- *Suspension* of benefits shall end on the date the individual is no longer incarcerated.
- If the individual is still incarcerated one year from the first day of incarceration benefits are terminated.

Facilitate Medi-Cal Enrollment

AB 720 (Skinner) became law in January of 2016. It amended parts of the Penal Code and the Welfare and Institutions Code to facilitate enrolling or re-enrolling individuals being released from custody in Medi-Cal and the Affordable Care Act. Section 4011.11.(a) (1) was added to the Penal Code to provide:

- The board of supervisors in each county, in consultation with the sheriff, may designate an entity to assist county jail detainees to apply for a health insurance affordability program.
- Authorizes that entity to act on behalf of a county jail inmate to apply for Medi-Cal benefits.
- The board of supervisors shall not designate the sheriff as the entity unless the sheriff agrees to perform the function.
- If a community-based organization is designated, the designation shall be subject to approval by the jail administrator.

- Such designated entity shall not *determine* Medi-Cal eligibility or *redetermine* Medi-Cal eligibility, unless the entity is the county human services agency.
- The fact that an applicant is incarcerated shall not, in and of itself, preclude a county human services agency from processing an application submitted to it by, or on behalf of, the applicant.
- A person currently enrolled in Medi-Cal who becomes incarcerated in a county jail shall remain eligible for and not terminated from the program, until suspension of their benefits has ended at one year of incarceration.

Law Intended to Facilitate Healthcare Enrollment

The act does more than provide for restoration of Medi-Cal benefits. It's intended to facilitate healthcare enrollment and re-enrollment for the incarcerated person regardless of their status as a beneficiary. It is intended to increase healthcare enrollment under Medi-Cal and the Affordable Care Act.

In October 2019, Faith in Action East Bay presented to the Board of Supervisors petitions from over 1100 members of faith organizations and endorsements by 11 different religious organizations and congregations within Alameda County. The petitions implored the Board to designate an entity to go into the jail and enroll or re-enroll eligible inmates ahead of their release dates.

Possibly Thousands Eligible

In November 2020, Colleen Chawla, Alameda County's Health Care Services Agency (HCSA) Director, in a memo to the Board responded to questions regarding Medi-Cal enrollment at Santa Rita. Her response included statistics for 2019 covering all 24,972 people released from custody that year.

- Of these 20,575 had been incarcerated fewer than 30 days and were presumed to have had their coverage unaffected by jail detention. Medi-Cal suspensions are reportedly made only when incarceration exceeds 30 days. *We have no idea how many of these had active Medi-Cal or were eligible but not enrolled in the program.*
- For the remaining 4397 individuals, in custody for 30 days or more, HCSA found 1866 had active Medi-Cal when they left custody *leaving 2531 individuals who had no Medi-Cal in Alameda County but may have been Medi-Cal-eligible either in- or out-of-County.*

- In the memo 726 were deemed by HCSA “likely not” Alameda County residents and thus ineligible for Medi-Cal in Alameda County. *The “likely not” designation made by HCSA is based on an individual’s previous “connection” to Medi-Cal in another county. But “likely not” does not preclude Alameda County residence at time of release from Alameda County’s jail or eligibility in Alameda County.*
- From HCSA’s perspective 1805 individuals (2531 – 726) did not have Medi-Cal when they were released but may have been eligible. 943 of these had no record of being enrolled in Medi-Cal but may have been eligible while the remaining 862 of the 1805 individuals showed previous enrollment in Medi-Cal *and thus, in HCSA’s terms, likely were eligible for re-enrollment.*
- In total for the year 2019, another 348 individuals were released after being incarcerated for more than one year. Likely some completed a sentence and some were released at the conclusion of pre-trial detention by court order. *Since Medi-Cal benefits are terminated after one year all members of this group who had benefits upon detention must re-apply and re-qualify.*

Need to Enact AB 720 – Inmates Health Care Enrollment

Thousands of people are arrested, booked and eventually released from Santa Rita Jail each year, although not all within 365 days of booking. We know the numbers for 2019, but for the most part we don’t really know their Medi-Cal eligibility or status. The law is intended to increase enrollment. The Roots Clinic Safe Landings trailer is now parked outside of the jail, but has limited hours and potential Medi-Cal applicants or those needing reinstatement must make their way to the trailer for services. The vast majority of people released from Santa Rita do not do that. Likely many re-entering the community do not know they are eligible for Medi-Cal benefits, how to un-suspend them, or what steps to take to have their benefits reinstated. We do not know how many are enrolled or re-enrolled through the Safe Landing or other services.

PROPOSAL – Board of Supervisors shall designate Alameda County Social Services Agency the entity under AB 720 to assist individuals re-entering the community from county jail custody in applying for health insurance affordability programs and/or Medi-Cal.

Social Services Agency itself to provide or contract for the following services:

1. Released before 30 days

Provide each releasee multilingual written information on Medi-Cal eligibility and affordable care act coverage options, including contacts for more information.

2. Released 30 days to one year

Assure that Medi-Cal benefits in effect prior to incarceration, but suspended, are reinstated immediately upon release.

Provide all incarcerated individuals with information on Medi-Cal eligibility and Affordable Care Act coverage options. Work with the ACSO to make that information widely available.

Activate application for those eligible but not previously enrolled or terminated despite detention for less than one year at Santa Rita Jail.

3. Sentenced inmates serving one year or more under AB109

ACSO to provide Social Services Agency, notice 30 days in advance of anticipated release date, notice of release and access to audio/visual electronic communication to each detainee prior to release.

Either in-person or virtually by way of electronic communications Social Services Agency to meet with each detainee in a private setting for the incarcerated person, in order to ascertain eligibility for benefits and to enroll those determined to be eligible.

For those released without 30 days' notice, ACSO to provide Social Services Agency notice of release and any available contact information. Social Services Agency shall make every practical effort to contact these releasees and offer them assistance to enroll or reenroll in Medi-Cal.

4. Released after one year of incarceration but not among those sentenced under AB 109.

This would include individuals held pre-trial for over one year but released by court order.

ACSO to provide Social Services Agency, as soon as possible, information for each date of release. Where the information is known sufficiently in advance of release, Social Services Agency to follow the procedures in item 3 above.

Where Social Services Agency is not able to meet with the individual prior to release, the ACSO shall provide all relevant contact information, and the Social Services Agency shall make every attempt to reach the individual following release to ascertain Medi-Cal eligibility and to enroll or re-enroll in Medi-Cal.