

1 **NYSAC 2025 Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #2**

4
5 **Resolution Urging Governor Hochul and the Department of Health to**
6 **Continue to Pursue a Federal 1115 Waiver to Allow Justice Involved Adults**
7 **and Youth to Be Enrolled in Medicaid/CHIP 90 Days Before an Eligible**
8 **Person’s Expected Release from Incarceration**
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10 **WHEREAS**, New York state included provisions in a recent 1115 Medicaid
11 demonstration waiver that would allow justice involved adults and youth to be enrolled
12 in Medicaid/CHIP up to 90 days prior to their release from incarceration; and

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14 **WHEREAS**, while many components of the broader 1115 waiver were approved by the
15 federal government, the component for incarcerated individuals was not approved; and

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17 **WHEREAS**, incarcerated individuals often live with higher rates of substance use
18 disorders (SUDs), chronic physical health conditions, poor health care coordination,
19 and other health concerns can realize improved treatment outcomes if formal treatment
20 and coordination occur prior to their release; and

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22 **WHEREAS**, the Centers for Medicare and Medicaid Services (CMS) has approved 19
23 state Medicaid waivers as of January 15, 2025, to support prisoner re-entry and another
24 seven states have waivers pending; and

25
26 **WHEREAS**, access to these services in advance of release can help:

- 27 • transitions into the community;
- 28 • coordination and communication among correctional facilities, Medicaid
29 programs and CHIPs, as well as managed care plans, and community-based
30 providers;
- 31 • enhance connections between carceral settings and community services to
32 address physical health, behavioral health, and health-related social needs;
- 33 • improve interventions for certain behavioral health conditions and increased use
34 of stabilizing medications like long-acting, injectable anti-psychotics and
35 medications targeting SUDs, with the goal of reducing decompensation, suicide-
36 related deaths, overdoses, and overdose-related deaths in the near-term post-
37 release; and
- 38 • reduce unnecessary emergency department visits, inpatient hospitalizations, and
39 all-cause deaths among recently incarcerated people with Medicaid and
40 individuals otherwise eligible for CHIP if not for their incarceration status; and

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42 **WHEREAS**, the New York State Association of Counties (NYSAC) strongly believes
43 that approval of an 1115 Medicaid waiver that assists high-risk incarcerated individuals,
44 including those held in county jails, to be enrolled in Medicaid/CHIP prior to their
45 release is a necessary step to improve health outcomes for these individuals, will save
46 lives by preventing overdose deaths, improve public safety and reduce recidivism.

1 **NOW, THEREFORE, BE IT RESOLVED**, NYSAC strongly encourages Governor
2 Hochul and the Department of Health to continue negotiations on a federal 1115
3 Medicaid demonstration waiver allowing Medicaid/CHIP coverage for incarcerated
4 individuals prior to their release, including those held in county jails, or alternatively
5 allow for Essential Plan Coverage for this population if they are not Medicaid eligible;
6 and

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8 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
9 New York State encouraging member counties to enact similar resolutions; and

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11 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
12 Governor Kathy Hochul, the New York State Department of Health, and all others
13 deemed necessary and proper.