

# County of Monterey

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September 11, 2023

The Honorable Jimmy Panetta  
304 Cannon House Office Building  
Washington, DC 20515

The Honorable Zoe Lofgren  
1401 Longworth House Office Building  
Washington, DC 20515

**Re: H.R. 3074, the Due Process Continuity of Care Act – SUPPORT**

On behalf of the County of Monterey Board of Supervisors, I am writing to express our support for H.R. 3074, the *Due Process Continuity of Care Act*. This bipartisan, bicameral legislation would not only address important health care issues, but also helps local jails to bear the financial burden of health care for pretrial detainees.

The bill amends a portion of the Medicaid Inmate Exclusion Policy (MIEP), which denies Medicaid coverage to eligible individuals being detained pre-trial. Specifically, this bill is aimed at ensuring pretrial detainees receiving substance abuse treatment can continue such routines, reducing the rates of overdose and recidivism post-detainment. Last year, a version of this legislation was signed into law, allowing eligible juvenile detainees to continue to receive such benefits.

The MIEP's policy of exclusion towards pretrial detainees conflicts with the constitutional right to due process by denying Medicaid coverage to individuals presumed innocent. It also shifts the full financial burden of pretrial detainees' health care onto local jails and taxpayers – two-thirds of people held in local jails are pretrial detainees. More than 95% of local jail inmates eventually return to their communities, bringing their health conditions with them.

The bill also authorizes \$50 million in planning grant dollars for the Department of Health and Human Services Secretary to award to states with the goal of providing additional support to states, counties and local jails for implementing this policy, improving the quality of care provided in jails, and enhancing the number of available providers to treat this population.

We urge you to cosponsor H.R. 3074 and thank you for your continued support for adequate access to health care for all individuals.

Sincerely,

**LUIS A. ALEJO**  
**Chair, Monterey County Board of Supervisors**