

County of Monterey



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September 11, 2023

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Alex Padilla
112 Hart Senate Office Building
Washington, DC 20510

Re: S. 971, 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 S. 971, 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 S. 971 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