

October 29, 2024

VIA ELECTRONIC SUBMISSION

Secretary Xavier Becerra  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Re: Michigan Reentry Services Demonstration Request

Dear Secretary Becerra,

The Center on Budget and Policy Priorities and the Georgetown University Center for Children and Families appreciate the opportunity to comment on the Michigan Reentry Services Demonstration section 1115 waiver request.<sup>1</sup>

The Center on Budget and Policy Priorities (CBPP) is a nonpartisan research and policy organization based in Washington, D.C. Founded in 1981, CBPP conducts research and analysis to inform public debates and policymakers about a range of budget, tax and programmatic issues affecting individuals and families with low or moderate incomes. The Georgetown University Center for Children and Families (CCF) is an independent, nonpartisan policy and research center founded in 2005 with a mission to expand and improve high quality, affordable health coverage for America's children and families. As part of the McCourt School of Public Policy, Georgetown CCF conducts research, develops strategies, and offers solutions to improve the health of America's children and families, particularly those with low and moderate incomes.

We support Michigan's request to provide Medicaid coverage to eligible adults and youth who are leaving correctional facilities, with a targeted package of pre-release services for up to 90 days prior to release. The request is consistent with CMS's guidance outlining parameters for similar demonstrations<sup>2</sup> and we support approval subject to the recommendations noted below.

As Michigan details in its application, there are significant racial inequities in who is incarcerated in the state. There are also inequitable health outcomes among people post-incarceration. The state notes that Black people make up 12 percent of the state's population but over half of the justice-involved population. The state also highlights research showing that Black people leaving incarceration are more likely to return to medically underserved communities and face larger declines in their health, compared to white people leaving incarceration. Therefore, the demonstration holds the potential to advance health equity and reduce disparities in coverage, which

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<sup>1</sup> Section 1115 Reentry Services Demonstration, September 16, 2024, <https://www.medicaid.gov/medicaid/section-1115-demonstrations/downloads/mi-reentry-services-10012024-pa.pdf>.

<sup>2</sup> CMS, "Opportunities to Test Transition-Related Strategies to Support Community Reentry and Improve Care Transitions for Individuals Who Are Incarcerated," State Medicaid Director Letter (SMDL) #23-03, April 17, 2023, <https://www.medicaid.gov/sites/default/files/2023-12/smd23003.pdf>.

is consistent with the goals of Executive Order 13985 and the strategic vision laid out by CMS Administrator Chiquita Brooks-LaSure and CMCS Director Dan Tsai.<sup>3</sup>

**Targeted pre-release services during the last 90 days of incarceration would reduce gaps in coverage and care, supporting successful transitions back to the community.**

We believe covering a targeted set of services (including case management, medication assisted treatment, a 30-day supply of medications, clinical consultation services, medication administration and prescriptions for durable medical equipment) during the last 90 days of incarceration for a defined high-needs population is appropriate. We appreciate the state acknowledging that these services will complement their approved state plan amendment that provides targeted case management to people who were recently incarcerated.<sup>4</sup> This will ensure better continuity of care from the pre-release period to the post-release period.

The state's application demonstrates consideration of both CMS's guidance and how to translate the guidance into practice, including phasing in the benefits starting with state prisons and juvenile facilities that have demonstrated readiness and then including local county jails where there are more individuals that could qualify.

The state also requests capacity building funds to invest in information technology systems, outreach and education and staff development during the planning and implementation of these services. We appreciate that the proposed activities align with the April 2023 guidance, but the proposal does not fully document how all of these activities are new spending. We encourage CMS to request further information on these expenditures to ensure they are not offsetting expenditures that were already existing or planned, as required in the guidance.

As with other recent demonstration approvals, we urge CMS to 1) establish a clear, limited set of covered pre-release services that are tailored to the goal of improving continuity of care as people return to the community, 2) prioritize the use of community-based providers to deliver the services, and 3) require a Reentry Initiative Reinvestment Plan to ensure that Medicaid funding doesn't simply replace other current funding sources.

## **Conclusion**

Our comments include citations to supporting research, including direct links to the research, for HHS's benefit in reviewing our comments. We direct HHS to each of the studies cited and made available to the agency through active hyperlinks, and we request that the full text of each of the studies cited, along with the full text of our comments, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

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<sup>3</sup> Executive Order No. 13985, 86 CFR 7009 (2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>; Chiquita Brooks-LaSure and Daniel Tsai, "A Strategic Vision for Medicaid and the Children's Health Insurance Program (CHIP)," Health Affairs Blog, November 16, 2021, <https://www.healthaffairs.org/doi/10.1377/forefront.20211115.537685/full/>.

<sup>4</sup> Michigan State Plan Amendment (SPA) 22-0018, approved on March 1, 2023, <https://www.medicaid.gov/medicaid/spa/downloads/MI-22-0018.pdf>

Thank you for consideration of our comments. If you would like any additional information, please contact Joan Alker ([jca25@georgetown.edu](mailto:jca25@georgetown.edu)) or Allison Orris ([aorris@cbpp.org](mailto:aorris@cbpp.org)).