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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 21, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting a provision in H.R. 953 that would require the Attorney General, in awarding grants to help combat the national epidemics of prescription opioid abuse and heroin use, to give priority to states that have in effect legislation or a policy under which the state suspends rather than terminates Medicaid enrollment for an individual who is incarcerated for less than two years; waiving requirements of Resolution No. R-764-13 limiting number of federal legislative priorities; amending Resolution No. R-436-16, as amended by Resolution No. R-522-16, to include passage of S. 524, H.R. 953 or similar legislation as an additional 2016 federal legislative priority

Resolution No. R-561-16

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 21, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
6-21-16

RESOLUTION NO. R-561-16

RESOLUTION SUPPORTING A PROVISION IN H.R. 953 THAT WOULD REQUIRE THE ATTORNEY GENERAL, IN AWARDING GRANTS TO HELP COMBAT THE NATIONAL EPIDEMICS OF PRESCRIPTION OPIOID ABUSE AND HEROIN USE, TO GIVE PRIORITY TO STATES THAT HAVE IN EFFECT LEGISLATION OR A POLICY UNDER WHICH THE STATE SUSPENDS RATHER THAN TERMINATES MEDICAID ENROLLMENT FOR AN INDIVIDUAL WHO IS INCARCERATED FOR LESS THAN TWO YEARS; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF FEDERAL LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-436-16, AS AMENDED BY RESOLUTION NO. R-522-16, TO INCLUDE PASSAGE OF S. 524, H.R. 953 OR SIMILAR LEGISLATION AS AN ADDITIONAL 2016 FEDERAL LEGISLATIVE PRIORITY

WHEREAS, many states terminate, rather than suspend, Medicaid coverage for individuals that are incarcerated or detained, even before the issuance of formal charges or a conviction; and

WHEREAS, as a result, the counties in such states must provide medical services to all persons incarcerated in local jails and detention facilities; and

WHEREAS, when a state terminates rather than suspends Medicaid coverage for individuals who are incarcerated or detained, it can take months for those individuals to be reapproved for Medicaid upon release from confinement, during which time they will most likely access any needed medical care through county or public hospital emergency rooms and publicly-funded health clinics; and

WHEREAS, if such individuals, upon reentering their communities, are unable to receive needed medical, mental health and addiction treatment services before being reapproved for Medicaid, this break in access to care can negatively impact the health of such individuals and lead to re-arrest; and

WHEREAS, Medicaid allows for—and the federal government encourages—continued eligibility for coverage for a person who is incarcerated; and

WHEREAS, on January 10, 2008, this Board adopted Resolution No. R-57-08 which, among other things, urged the Florida Legislature to amend state law to suspend rather than terminate Medicaid benefits when a person is charged with a crime or serves a sentence of less than a year; and

WHEREAS, during the 2008 state legislative session, the Florida Legislature enacted Chapter 2008-217, Laws of Florida, which amended state law to suspend rather than terminate Medicaid benefits for all Medicaid enrollees who become incarcerated in a state, county, or municipal correctional facility; and

WHEREAS, H.R. 953, a bill entitled the "Comprehensive Addiction and Recovery Act of 2015," was filed for consideration during the 114th Congress by Representative F. James Sensenbrenner, Jr. (R – Wisconsin); and

WHEREAS, H.R. 953 would provide for a series of incentives and resources, including the award of planning and implementation grants by the Attorney General, to encourage states and local communities to pursue a full array of proven strategies to combat the national epidemics of prescription opioid abuse and heroin use; and

WHEREAS, H.R. 953 includes a provision that would require the Attorney General, in awarding the grants, to give priority to states that have in effect legislation or implement a policy under which the state shall not terminate, but may suspend, enrollment under the state's Medicaid plan for an individual who is incarcerated for less than two years; and

WHEREAS, S. 524, the companion bill to H.R. 953, was also filed for consideration during the 114th Congress, by Senator Sheldon Whitehouse (D – Rhode Island); and

WHEREAS, on April 5, 2016, this Board adopted Resolution No. R-298-16 supporting S. 524 or similar legislation; and

WHEREAS, while S. 524 and H.R. 953 are similar in many respects, the current version of H.R. 953 includes the aforementioned language requiring the Attorney General to prioritize awarding grants to states that have in effect legislation or implement a policy under which the state shall not terminate, but may suspend, enrollment under the state's Medicaid plan for an individual who is incarcerated for less than two years; and

WHEREAS, H.R. 953 has not yet received a committee hearing; and

WHEREAS, the Senate has passed S. 524 and sent it to the House, and the House has passed an amended version of S. 524 and has requested a conference with the Senate; and

WHEREAS, this Board would therefore like to express its support for the provision in H.R. 953 that would require the Attorney General, in awarding grants to help combat the national epidemics of prescription opioid abuse and heroin use, to give priority to states that have in effect legislation or implement a policy under which the state shall not terminate, but may suspend, enrollment under the state's Medicaid plan for an individual who is incarcerated for less than two years; and

WHEREAS, in addition, Resolution No. R-298-16 supporting S. 524 or similar legislation was inadvertently omitted from the 2016 federal legislative package that was presented to and approved by the Board on May 17, 2016 and was also not included on the ballot from which the Board selected its federal legislative priorities for 2016; and

WHEREAS, as an additional 2016 federal legislative priority, this Board would therefore also like to include passage of S. 524, H.R. 953 or similar legislation, including, but not limited to, the provision that would require the Attorney General, in awarding grants, to give priority to states that suspend rather than terminate Medicaid enrollment for individuals who are incarcerated for less than two years,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports a provision in H.R. 953, a bill entitled the "Comprehensive Addiction and Recovery Act of 2015," that would require the Attorney General, in awarding grants to help combat the national epidemics of prescription opioid abuse and heroin use, to give priority to states that have in effect legislation or implement a policy under which the state shall not terminate, but may suspend, enrollment under the state's Medicaid plan for an individual who is incarcerated for less than two years.

Section 2. Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-436-16, as amended by Resolution No. R-522-16, to include passage of S. 524, H.R. 953 or similar legislation, including, but not limited to, the provision that would require the Attorney General, in awarding grants to help combat the national epidemics of prescription opioid abuse and heroin use, to give priority to states that have in effect legislation or a policy under which the state suspends rather than terminates Medicaid enrollment for an individual who is incarcerated for less than two years, as an additional federal legislative priority for 2016.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to United States Senator Sheldon Whitehouse, United States Representative F. James Sensenbrenner, and the members of the Florida Congressional Delegation.

Section 4. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 Federal Legislative Package to include this item as a priority.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. It was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MJM

Michael J. Mastrucci