

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to enact legislation that would allow pretrial detainees to receive Medicaid benefits and would allow for the use of federal Medicaid funds to pay for services for patients who reside in an inpatient mental health or substance use disorder treatment facility with more than 16 beds; further urging the United States Congress to enact legislation that would increase Medicaid reimbursement rates for all mental health and psychiatric care services

Resolution No. R-668-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(20)
7-6-23

RESOLUTION NO. _____ R-668-23

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WOULD ALLOW PRETRIAL DETAINEES TO RECEIVE MEDICAID BENEFITS AND WOULD ALLOW FOR THE USE OF FEDERAL MEDICAID FUNDS TO PAY FOR SERVICES FOR PATIENTS WHO RESIDE IN AN INPATIENT MENTAL HEALTH OR SUBSTANCE USE DISORDER TREATMENT FACILITY WITH MORE THAN 16 BEDS; FURTHER URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WOULD INCREASE MEDICAID REIMBURSEMENT RATES FOR ALL MENTAL HEALTH AND PSYCHIATRIC CARE SERVICES

WHEREAS, the Social Security Act prohibits the use of federal Medicaid funds for medical care provided to “inmates of a public institution” and does not differentiate between a convicted inmate and a pretrial detainee being held prior to trial; and

WHEREAS, it is estimated that, nationally, approximately two-thirds of local jail populations are pretrial detainees being held prior to trial and have not been convicted of a crime; and

WHEREAS, across the nation, a significant and growing proportion of pretrial detainees suffer from behavioral health, substance use disorders, or other chronic illnesses; and

WHEREAS, allowing pretrial detainees to receive Medicaid benefits would improve continuity of care through improved access to critical health services for individuals as they enter and exit the justice system; and

WHEREAS, the current prohibition on the use of Medicaid funds to pay for medical care for pretrial detainees effectively shifts the costs of medical care for pretrial detainees to local taxpayers; and

WHEREAS, the Social Security Act further prohibits federal Medicaid funds from paying for services for certain patients who reside in an inpatient mental health or substance use disorder treatment facility with more than 16 beds; and

WHEREAS, this prohibition results in fewer options for patients covered by Medicaid, many of whom are likely to be low-income, disabled, or pregnant; and

WHEREAS, allowing for the use of federal Medicaid funds to pay for services for patients who reside in an inpatient mental health or substance use disorder treatment facility with more than 16 beds would increase Medicaid acceptance among such facilities and augment the continuum of care among all such care providers; and

WHEREAS, lifting this prohibition would help local treatment facilities increase their capacity at a time when the nation is experiencing a spike in addictions and people seeking treatment; and

WHEREAS, in addition to expanding eligibility for Medicaid reimbursement for certain services, increasing Medicaid reimbursement rates for mental health and psychiatric care would also augment the availability and continuum of care for a population critically in need of such services; and

WHEREAS, increasing Medicaid reimbursement rates for mental and psychiatric care services would expand access to care by further incentivizing service providers to treat Medicaid patients,

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

Section 1. Urges the United States Congress to enact legislation that would allow pretrial detainees to receive Medicaid benefits.

Section 2. Urges the United States Congress to enact legislation that would allow for the use of federal Medicaid funds to pay for services for patients who reside in an inpatient mental health or substance use disorder treatment facility with more than 16 beds and to increase Medicaid reimbursement rates for said services.

Section 3. Urges the United States Congress to enact legislation that would increase Medicaid reimbursement rates for all mental health and psychiatric care services.

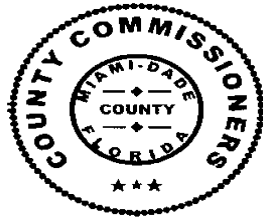
Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

Section 5. Directs the County’s federal lobbyists to advocate for the actions set forth in sections 1, 2, and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman		aye	
Anthony Rodríguez, Vice Chairman		aye	
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "C. Kokoruda", written over a horizontal line.

Christopher C. Kokoruda
Anita Viciano Zapata