

# LEGAL ACTION CENTER

## State Policy and Practice Innovations: Resources to Connect Health and Justice

State decision-makers around the country have developed innovative policy and practice solutions to better help the criminal justice and health systems to work together to improve health care access to justice-involved people. These innovations, established through state law, regulation and policy guidance, have tremendous promise to improve health and criminal justice outcomes and to save states money.

Links to the actual policies and practice documents are included below to assist decision-makers from other states as they consider potential reforms to their health and criminal justice systems.

### State Policy and Practice Documents: Screening for and Enrolling Individuals in Medicaid During Incarceration

- [Memorandum of Understanding](#) between **Ohio's** Department of Rehabilitation and Correction, Department of Medicaid, and Automated Health Systems allowing the agencies to share the information necessary to provide Medicaid enrollment services to incarcerated people
- **Minnesota** [state law](#) requiring health coverage screening at prison intake
- **Washington** [state law](#) with provisions on screening for and enrollment in Medicaid as a part of booking for individuals who are entering jail
- **Colorado** Department of Health Care Policy and Financing, "[Intersection of Medicaid and Jails Toolkit for Counties](#)"; includes Memoranda of Understanding between Departments of Human Services and Sheriff's Departments on Medicaid assistance, eligibility determinations, and consumer navigations services
- **Ohio** Department of Rehabilitation and Correction [Peer-to-Peer Medicaid Guide](#) which seeks to identify the steps necessary to effectively pre-enroll incarcerated individuals into Medicaid and select a Managed Care Plan prior to their release. Includes several forms as attachments such as:
  - Pre-Enrollment Sign-in Checklist
  - Medicaid Enrollment Preparation
  - Medicaid Opt Out/In Form
  - Enrollment Sign-in Checklist Standardized Release Notice
  - Transition Pla

[Powerpoint presentation](#) by **Ohio's** Department of Medicaid on the state's Medicaid Pre-Release Enrollment Program

**State Policy and Practice Documents:**  
**Maintaining Medicaid During Incarceration**

- **New York State** [policy guidance](#) and [administrative directive](#) on maintaining Medicaid eligibility for incarcerated individuals
- **Washington State** [policy guidance](#) to implement the state's law, [SSB 6430](#), requiring suspension of Medicaid during incarceration; the law also directs the state to accept Medicaid applications from justice involved (JI) individuals in these settings during their incarceration period
- **Arizona** [intergovernmental agreement](#) that allows for data sharing so that an individual's Medicaid can be suspended while they are incarcerated
- **Indiana** Department of Correction [Manual of Policies and Procedures](#), "The Development and Delivery of Programs, Pre-release and Case Management;" includes policies to implement the state's Medicaid suspension law and to assist with pre-release
- **Illinois** [state law](#) allowing Medicaid suspension for incarcerated individuals; law also requires enrollment assistance for people who are 45 days from leaving incarceration

**State Policy and Practice Documents:**  
**Collecting Federal Financial Participation under Medicaid's Inpatient Hospital Exception Provision**

- **North Carolina** Department of Health and Human Services [policy guidance](#) on Medicaid suspension process when incarcerated individuals receive inpatient care in the community
- **Colorado** Department of Health Care Policy and Financing [policy guidance](#) on Medicaid for incarcerated individuals and the inpatient hospital exception
- Template [intergovernmental agreement](#) between the **Arizona** Medicaid Department and counties to establish procedures that will allow the state to collect Federal Financial Participation through Medicaid's inpatient hospital exception provision

**State Policy and Practice Documents:**  
**Managed Care Plan Selection and Contracting**

- **Ohio** Department of Rehabilitation and Correction [Peer-to-Peer Medicaid Guide](#) which seeks to identify the steps necessary to effectively pre-enroll incarcerated individuals into Medicaid and select a Managed Care Plan prior to their release. Includes several forms as attachments such as:

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- **Florida** [Medicaid Managed Care Contract](#) language requiring the MCO to “provide outreach to homeless and other populations of enrollees at risk of justice system involvement, as well as those enrollees currently involved in this system, to assure that services are accessible and provided when necessary. This activity shall be oriented toward preventive measures to assess behavioral health needs and provide services that can potentially prevent the need for future inpatient services or possible deeper involvement in the forensic or justice system.”

**State Policy and Practice Documents:**  
**Discharge Planning and Transition to the Community**

- **Indiana** Department of Correction [Manual of Policies and Procedures](#), “The Development and Delivery of Programs, Pre-release and Case Management;” includes policies to implement the state’s Medicaid suspension law and to assist with pre-release
- **Minnesota** Department of Corrections [guidance](#) that requires health services staff to ensure there is medical release planning to effectively meet the incarcerated individual’s health care needs upon release from a Department of Corrections facility
- **Connecticut** [Correctional Managed Health Care Policy and Procedures](#); policies on Continuity of Care and Discharge Planning begin on page 90
- **Massachusetts** Department of Correction [policy guidance](#) on Reentry, including discharge planning to meet health needs
- **Colorado** Department of Health Care Policy and Financing [Policy Statement](#), “Medicaid Eligibility of Individuals Residing in Community Corrections Facilities (or “Halfway Houses”)”
- **Colorado** Department of Health Care Policy and Financing, “[Best Practices for Counties: Medicaid and Criminal justice Populations](#);” includes recommendations related to interagency agreements, utilizing Medicaid for inpatient hospital stays, and health and health coverage literacy
- **Ohio** Department of Rehabilitation and Correction [Peer-to-Peer Medicaid Guide](#) which seeks to identify the steps necessary to effectively pre-enroll incarcerated individuals into Medicaid and select a Managed Care Plan prior to their release. Includes several forms as attachments such as:
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**State Policy and Practice Documents:**  
**Linking Formerly Incarcerated People with Care**

- [Powerpoint presentation](#) on **New York's** criminal justice-focused CMS Health Home initiative by the state's Office of Health Insurance Programs; [the Department of Health's website on the state's Criminal Justice Health Home initiative](#) includes additional materials and resources on the program.
- **New York** State Department of Health's [Health Home Standards and Requirements for Health Homes, Care Management Providers and Managed Care Organizations](#)
- **New York** Health Home [Provider Qualification Standards](#) For Chronic Medical and Behavioral Health Patient Populations
- **Rhode Island's** [State Plan Amendment](#) establishing the state's Health Home Initiative which focuses on improving access to opioid use disorder care, including for justice-involved individuals
- **Colorado** Department of Health Care Policy and Financing, "[Best Practices for Counties: Medicaid and Criminal justice Populations](#)," includes recommendations related to interagency agreements, utilizing Medicaid for inpatient hospital stays, and health and health coverage literacy

**State Policy and Practice Documents:**  
**CMS-Approved Waivers Important to Justice-Involved People**

- **Maryland's** CMS-approved [section 1115 waiver application](#) which provides presumptive eligibility for Medicaid-eligible individuals leaving jails and prisons
- **New Jersey** Medicaid Department's [policy guidance](#) on presumptive eligibility for incarcerated individuals
- **Rhode Island's** [State Plan Amendment](#) which establishes the state's Health Home Initiative which focuses on improving access to opioid use disorder care, including for justice-involved individuals
- **West Virginia's** [section 1115 waiver](#), "Creating a Continuum of Care for Medicaid Enrollees with Substance Use Disorders"

***For additional information, or to share your state's innovative policy,  
 please contact LAC at [nationalpolicy@lac.org](mailto:nationalpolicy@lac.org) or 202-544-5478.***