

A New Approach to Reentry



New Medicaid Opportunities for Justice-Involve and IMD Populations

The federal government has released guidance giving state Medicaid programs the opportunity to request to waive two long-standing prohibitions on the use of federal Medicaid funding:

- Federal Medicaid funds are not allowed to pay for the cost of medical treatment for an “inmate of a public institution,” except for inpatient hospital services, regardless of age.
- Federal funds also are not allowed to pay for the cost of treatment of an adult age 19-64 in an institution for mental disease or IMD.

In addition, a new law requires Medicaid to begin in 2025 providing justice-involved youth with certain services 30 days before or after their release from a public institution such as a juvenile treatment facility.

- 30 days before - Screening or diagnostic service, including behavioral health screening
- At least 30 days after - Targeted case management services, including referrals for such eligible juvenile to the appropriate care and services available in the geographic region of the home or residence

Is There a Health-Related Need for Medicaid Reentry Support?

- Adults and adolescents involved in the justice system are more likely than the general population to experience mental illness, substance use disorder, and chronic physical health conditions.
- These conditions do not go away during the period of incarceration, and these conditions can be contributing factors to ongoing poverty and incarceration.

What is DHS Proposing?

DHS is requesting that the federal government waive the prohibitions for inmates and IMD patients for:

- 90 days after incarceration
- 90 days before release from a carceral setting
- During these periods, Medicaid would pay for all medically-necessary services, including evaluation, mental health, substance use treatment disorder services and care coordination
- Upon release from incarceration, individuals would be enrolled in a PASSE for 12 months for care coordination and management and reimbursement of all medical services
- If the individual is identified with a need for Home and Community Based Services the PASSE will refer for a Behavioral Health Independent Assessment or Waiver program



What is DHS Proposing?

DHS is requesting that the federal government waive the prohibitions for IMD patients for:

- Up to 90 days after admission to an IMD using medical necessity determination through the given utilization management entity

Goals of Medicaid Reentry Support

The goals of the Arkansas Reentry Connections for Health (ARCH) program are to bridge the gap in services, create a continuum of care for these individuals and provide a smoother transition upon re-entering communities. DHS believes that by providing these services on the front and tail-end of incarcerations and stays in an IMD, the state will:

- Improve the health outcomes of these individuals;
- Reduce recidivism back into the justice system, especially for those who went into a prison or jail with an underlying mental health or substance abuse condition;
- Reduce preventable emergency room visits;
- Reduce the number of deaths in these populations;
- Alleviate impacts of the severe shortage of mental health providers by allowing equitable access to services through payment for services at IMD facilities; and
- Promote efficiency and effectiveness of the Medicaid program through care coordination and new models of care delivery that include home and community-based services that are bundled with care coordination.

What Settings Are Included?

Carceral settings included in the new waiver program include:

- Arkansas State Hospital adult forensic units
- Division of Youth Services facilities
- Secured Restoration program
- Correctional system
 - state prison
 - local jails
 - County run juvenile detention facilities

What Settings Are Included?

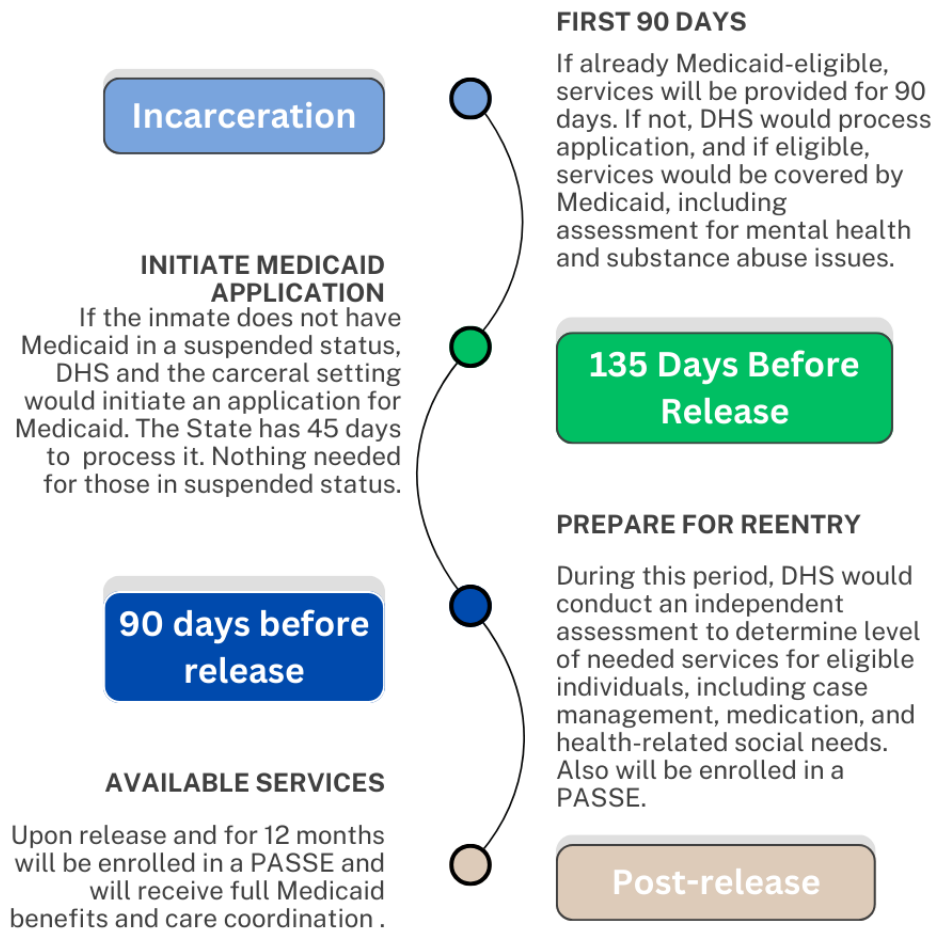
IMD settings included in the new waiver program include:

- Existing AR Medicaid enrolled IMDs are adult units within psychiatric hospitals
- Substance Use Disorder Adult Residential service providers are not currently enrolled in AR Medicaid
- The state will develop a plan to:
 - Add the service to the state plan
 - Any changes needed to existing licensing or addition of AR Medicaid certification
 - Pathway for Medicaid enrollment
 - Meeting the CMS requirement to develop full continuum of SUD treatment services and use of American Society of Addiction Medicine or other guidelines to authorize services

Proposed Process Under the Waiver

- For individuals already determined to be eligible for Medicaid, coverage will be continued for up to first 90 days of custody. Medicaid eligibility will be “suspended” on day 91 and then reinstated 90 days prior to release.
- For individuals who had not been determined to be eligible for Medicaid prior to incarceration, the DHS will work with stakeholders to establish Medicaid eligibility 135 days prior to release.
 - Medicaid rules require DHS to make an eligibility determination within 45 days, which would allow for a 90-day period of eligibility prior to release.

Prison/DYS Process Example



Next Steps

December 2023 through March 2024

- Release draft application for state public comment period
- Continue presentations to interested parties
- Submit waiver application to CMS not later than March 31, 2024, for approval by July 1, 2024, with effective date of January 1, 2025.
- Begin work on implementation plan with stakeholders

Find Us On...



@ArkDHS



@arkansasdhs



@ARHumanServices



ARHumanServices

Questions?

Paula Stone

Paula.Stone@dhs.arkansas.gov



ARKANSAS
DEPARTMENT OF
**HUMAN
SERVICES**

humanservices.arkansas.gov