

September 20, 2024

Introduction to Work on Justice-Involved Youth

Background and Introduction

Melissa Schober and Melinda Becker Roach



Medicaid and CHIP Payment and Access Commission

X @macpacgov

www.macpac.gov

Overview

- Background
- Federal Medicaid policies
- Prior MACPAC work
- Health needs of justice-involved youth
- Next steps



Background

- The inmate exclusion policy generally prohibits use of federal Medicaid funds for health care services during incarceration
- Medicaid is an important source of coverage for justice-involved individuals in the community
- Justice-involved individuals face barriers in accessing care during and after incarceration
 - There is limited data sharing between carceral settings, state agencies, and community-based providers
 - Uncertain release dates complicate states' ability to enroll or reactivate Medicaid coverage for eligible individuals and provide care continuity

Federal Medicaid Policies

Federal Medicaid Policies

- States must suspend, not terminate, Medicaid coverage for justice-involved individuals
 - The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) required states to suspend, rather than terminate, Medicaid coverage for eligible youth
 - Beginning in 2026, the Consolidated Appropriations Act, 2024 requires states to suspend Medicaid coverage for adults upon incarceration
- The Centers for Medicare & Medicaid Services (CMS) issued guidance on designing Section 1115 demonstrations to improve care transitions for adults and youth

Federal Medicaid Policies

- The Consolidated Appropriations Act, 2023 (CAA 2023) requires coverage of certain services for incarcerated youth starting in 2025
 - Screenings and diagnostic services in accordance with early and periodic screening, diagnostic, and treatment (EPSDT) benefit, including behavioral health screenings, 30 days prior to release
 - Targeted case management services, including referrals to community providers, 30 days prior to and 30 days following release
- The CAA 2023 also permits optional state coverage of services for youth who are detained prior to adjudication



Prior MACPAC Work on Justice-Involved Adults

Adults in the Criminal Justice System

- Placement
 - Jails – Awaiting trial, shorter sentences
 - Federal and state prisons – Felony convictions, longer sentences
 - Community supervision – Probation and parole
- Disproportionately low-income individuals and people of color
- Significant physical, behavioral, and health-related social needs
 - Elevated risk of death after incarceration

Section 1115 Reentry Demonstrations

Federal guidance

- CMS guidance describes how states can receive federal matching funds for pre-release services for adults and youth
- Coverage is available up to 90 days before release
- States must cover a minimum set of services

State demonstrations (as of 9/12/24)

- Approved – 11 states
- Pending – 13 states

Implementation Considerations

- MACPAC's June 2023 chapter describes considerations for implementing pre-release Medicaid services for adults
 - Cross-agency coordination
 - Application to jails
 - Data-sharing and infrastructure
 - Providers
 - Monitoring and evaluation

The background features a dark blue gradient with a large, semi-transparent graphic on the left side. This graphic consists of a white cross centered within a white circle, creating a medical or health-related symbol. The text is positioned to the right of this graphic.

Health Needs of Justice-Involved Youth

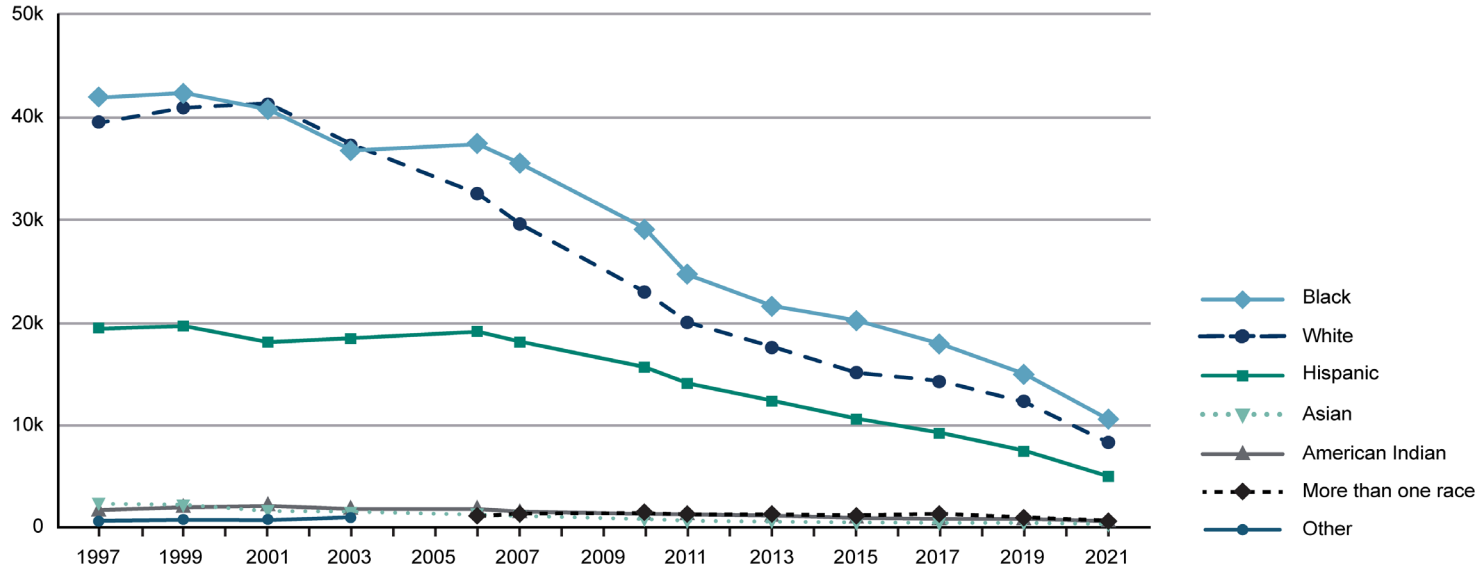
Youth Correctional Status

- Common placement settings for justice-involved youth are detention centers, long-term secure facilities, and residential treatment centers
- The number of incarcerated youth has fallen in the last two decades
 - In 2020, 25,014 youth charged with or adjudicated for an offense were incarcerated, a 77 percent drop from 2000
 - Recent declines in youth arrest and detention may be related to the COVID-19 pandemic

Notes: The Juvenile Residential Facility Census (JRFC) is conducted by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and collects information about the facilities in which youth are held. The JRFC is a one-day count of all youth under age 21 in juvenile detention, including those held pre-trial or pending placement after being adjudicated, and individuals committed to youth prisons, residential treatment centers, or other facilities.

Source: Hockenberry, S. and A. Sladky. 2024. Juvenile residential facility census, 2020: Selected findings. Juvenile justice statistics, national bullet, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. <https://ojjdp.ojp.gov/publications/juvenile-residential-facility-census-2020-selected-findings.pdf>

Youth in Residential Placement by Race and Ethnicity – All Offenses, 1997-2021



Source: Puzzanchera, C., A. Sladky, and W. Kang. 2023. Easy Access to the Census of Juveniles in Residential Placement. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/ojstatbb/ezacjrp/>.

Health Status

- Youth in the juvenile justice system have high rates of unmet physical health needs and higher mortality rates compared to all youth
- Studies of incarcerated youth found higher rates of:
 - Sexually transmitted infections
 - Dental caries
 - Mental health conditions such as depression, attention deficit hyperactivity disorder, and post-traumatic stress disorder
 - Substance use disorder

Sources: Barnert, E., A. Sun, L.S. Abrams, and P. Chung, P. J. 2020. Physical health, medical care access, and medical insurance coverage of youth returning home after incarceration: A systematic review. *Journal of Correctional Health Care* 26(2): 113-12; Field, M.B., E.J. Davis, and A.D. Lauger. 2023. Drug and alcohol use reported by youth in juvenile justice facilities, 2008-2018 – statistical tables. National Survey of Youth in Custody, 2008–2018, Bureau of Justice Statistics (BJS), U.S. Department of Justice. Washington, DC: BJS. <https://bjs.ojp.gov/document/dauryjf0818st.pdf>; and Shufelt, J. and J. Coccozza. 2006. Youth with mental health disorders in the juvenile justice system: Results from the multi-state prevalence study. National Center for Mental Health and Juvenile Justice: Delmar, NY. <https://www.prainc.com/wp-content/uploads/2022/03/2006-R2P-Multi-State-Prevalence-Study-Results-500655.pdf>

Next Steps

- Future presentation on interview findings on the opportunities and challenges associated with implementing mandatory pre- and post-release services
- Continue monitoring CMS activity for additional guidance
- Continue monitoring state activity, including Section 1115 reentry demonstrations

September 20, 2024

Introduction to Work on Justice-Involved Youth

Background and Introduction

Melissa Schober and Melinda Becker Roach



Medicaid and CHIP Payment and Access Commission

X @macpacgov

www.macpac.gov