

RESOLUTION NO. 2007-149

RESOLUTION BY THE INTERGOVERNMENTAL RELATIONS AND HEALTH & HUMAN DEVELOPMENT COMMITTEES, URGING THE GOVERNOR AND LEGISLATURE TO TAKE APPROPRIATE ACTION TO PREVENT THE SHIFTING TO COUNTIES OF HEALTH CARE COSTS FOR PERSONS IN JAILS AND JUVENILE DETENTION FACILITIES

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Federal law and regulations concerning the Title XIX Medical Assistance program (“Medicaid”) prohibit payment of the Federal portion of Medicaid for any Medicaid-eligible person who is “an inmate of a public institution,” which includes an inmate of a jail or other correctional facility; and

WHEREAS, State law and/or regulations interpret and apply such Federal law and regulations in ways that unnecessarily and improperly shift to counties the health care costs for persons who are otherwise eligible for Medicaid, by declaring that Medicaid-eligible persons who are incarcerated for actual or alleged criminal or delinquent acts are immediately ineligible for Medicaid payment for health care or services, even though Wisconsin regulations permit payment of such care or services for inmates of other types of public institutions at least until they have resided in such institutions for at least a full calendar month. This effectively requires the county to pay for medical services for individuals in the county jail or the county juvenile detention facility, from the time of their entry into such facilities, even though such persons could otherwise have received medical services under Medicaid, and regardless of their guilt or innocence; and

WHEREAS, State law and/or regulations also unnecessarily and improperly shift to counties the health care costs for persons who are otherwise eligible for Medicaid, by declaring that persons incarcerated for actual or alleged criminal or delinquent acts are not merely ineligible for payment for health care or services while in a public institution for that purpose, but that such persons are not eligible for Medicaid. Because this rule effectively terminates—not merely suspends—the Medicaid eligibility of such persons, the county may have to bear the cost of their medical services (e.g., for psychiatric medications) unless and until such persons reapply to the State for Medicaid and the State reinstates their eligibility; and

WHEREAS, in Racine County, costs for health care and services to which individuals may be entitled, but for which Medicaid or other payment is not available, must be borne by county property taxpayers; and

WHEREAS, the effect of the State law and/or regulations described above is to shift from the State to the taxpayers of Racine County yet another cost that should rightfully be borne by the State.

NOW, THEREFORE, BE IT RESOLVED that the Racine County Board of Supervisors urges the Governor and the State Legislature to take appropriate action, consistent with Federal laws and regulations, to prevent this unnecessary and unwarranted shifting to counties of the costs for health care and services provided to persons in, or formerly in, jails, juvenile detention facilities, and other correctional facilities.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the County Clerk is directed to send copies of this resolution to Governor Doyle, to the members of Racine County’s State legislative delegation, and to the Wisconsin Counties Association.

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Resolution No. 2007-149
Page Two

1st Reading _____
2nd Reading _____
BOARD ACTION
 Adopted _____
 For _____
 Against _____
 Absent _____

VOTE REQUIRED: Majority

Prepared by:
Corporation Counsel

Respectfully submitted,

**INTERGOVERNMENTAL RELATIONS
COMMITTEE**

Russell A. Clark, Chairman

Robert D. Grove, Vice-Chairman

Joseph F. Bellante, Jr.

Gaynell Dyess

Kenneth Lumpkin

Karen A. Nelson

Daniel F. Sharkozy

**HEALTH & HUMAN DEVELOPMENT
COMMITTEE**

Joseph F. Bellante, Jr., Chairman

Gaynell Dyess, Vice Chair

Katherine Buske, Secretary

Robert N. Miller

Donnie Snow

John Wisch