

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-042

Urging Congress to Authorize Federal Financial Participation for Medical and Disability Benefits to Incarcerated Individuals in Local Jails and Detention Facilities

The Multnomah County Board of Commissioners Finds:

- a. U.S. Code of Federal Regulations, Title 42, Part 435.1008 states that federal financial participation is not available for services provided to individuals who are inmates of public institutions.
- b. Immediate cessation of medical benefits (Medicare and/or Medicaid), disability benefits (Supplemental Security Income and/or Social Security Disability Insurance), and/or Veterans Health Administration benefits to incarcerated persons occur prior to the issuance of formal charges or conviction.
- c. States are financially unable to assume the federal share of providing medical services to eligible persons held in county jails and detention facilities; eligibility may therefore be suspended or even terminated. During the 2005 Legislative Session, the Oregon Legislature passed Senate Bill 913 mandating that benefits be suspended rather than terminated while incarcerated persons await trial.
- d. Although the concept of innocent until proven guilty is not expressly referenced in the Constitution of the United States, presumption of innocence is widely held to follow from the 5th, 6th and 14th amendments.
- e. Counties must provide medical services to all persons incarcerated in local jails and detention facilities.
- f. As a result of Federal Regulation 435.1008 and Senate Bill 913, the costs of medical care for persons incarcerated in Multnomah County's jails and detention facilities while awaiting trial are borne solely by the County.
- g. Loss of medical and disability benefits negatively impacts the stability of this vulnerable population, leaving people just released from custody without the health and mental health services they need more than ever.

The Multnomah County Board of Commissioners Resolves:

1. The Board strongly urges Congress to amend federal statutes to authorize federal financial participation for medical and disability benefits to incarcerated individuals until convicted and sentenced to secure detention.

2. Multnomah County supports the National Association of Counties and other counties across the country that are actively seeking to secure federal financial participation for medical and disability benefits to individuals until the time they are convicted and sentenced.

ADOPTED this 15th day of March, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:
Commissioner Lisa H. Naito