

RECOMMENDATION TO THE LEGISLATURE OF ALASKA  
FROM THE ALASKA CRIMINAL JUSTICE COMMISSION

**Recommendation 1-2020, adopted January 30, 2020:  
Draft a Resolution Regarding Medicaid Coverage**

The Commission recognizes the importance of providing treatment for mental health and substance use disorders for people who are incarcerated. Successful completion of mental health and/or substance use treatment is likely to help individuals remain crime-free once they are released from custody. Offering this treatment to people who are incarcerated is therefore likely to reduce recidivism and provide a public safety benefit.

Many people who are in prison would be eligible for Medicaid coverage, but for the fact that they are incarcerated. Medicaid regulations do not allow reimbursement for any treatment rendered to people who are incarcerated. (However, if a person is transferred from a correctional facility to a medical facility for inpatient treatment for 24 hours, Medicaid will reimburse eligible persons for those services.)

In practice, the prohibition on Medicaid reimbursement for individuals who are incarcerated means that any person who is incarcerated will have to discontinue their patient status with any community service providers once they begin their term of incarceration, and then re-establish their patient status once they are released from incarceration. This disruption in treatment can make the reentry process more difficult and increase the risk of recidivism.

The Commission therefore recommends that the Alaska Legislature draft a resolution in support of a waiver of the Medicaid regulations prohibiting coverage for people who are incarcerated. Specifically, the Commission recommends that the Legislature support a waiver that will allow Medicaid to cover the cost of behavioral health treatment for the 90-day period preceding release.