

DEPARTMENT: Board of Supervisors

BY: Dianne Fritz

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a Resolution urging Congress to amend federal law to allow federal financial participation in providing medical benefits to incarcerated individuals until convicted and sentenced to secure detention. The California State Association of Counties (CSAC) has joined the efforts of the National Association of Counties (NACo) in organizing an advocacy effort to address impediments in federal law that do not allow for continuity of government-provided medical coverage for persons detained in a state or local facility. The responsibility for jail inmates' medical care falls to counties, so the interruption of benefits and can create serious problems for both the individual and for the county that must assume significant financial responsibility.

CSAC has adopted the following statement into their Administration of Justice platform: "CSAC supports the efforts at the federal level to permit local governments to access third-party payments for health care provided in detention facilities, including medical services provided for those who are accused, but not yet convicted. CSAC also supports efforts to ensure continuity of benefits for those detained in county detention facilities and for swift re-enrollment in the appropriate benefits program upon the detainee's release."

Mariposa County is a current member in both CSAC and NACo.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has supported previous efforts on both the state and federal level that will ease the financial burden of the county for providing mandated and statutory required services.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the resolution. Individual members of the Board of Supervisors may write their own letters of support.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Draft Resolution _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 07-146 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
AW) Approved
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments: _____

CAO: *[Signature]*

MARIPOSA COUNTY RESOLUTION NO. 07-146

A RESOLUTION URGING CONGRESS TO AMEND FEDERAL LAW TO ALLOW FEDERAL FINANCIAL PARTICIPATION IN PROVIDING MEDICAL BENEFITS TO INCARCERATED INDIVIDUALS UNTIL CONVICTED AND SENTENCED TO SECURE DETENTION

WHEREAS, United States Code of Federal Regulations, Title 42, Part 435.1009 states that Federal Financial Participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions; and

WHEREAS, States being unable to assume the federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities, tend to terminate or sometimes suspend eligibility; and

WHEREAS, this immediate cessation of benefits occurs prior to the issuance of formal charges or convictions; and

WHEREAS, counties must provide medical services to all persons incarcerated in local jails and detention facilities; and

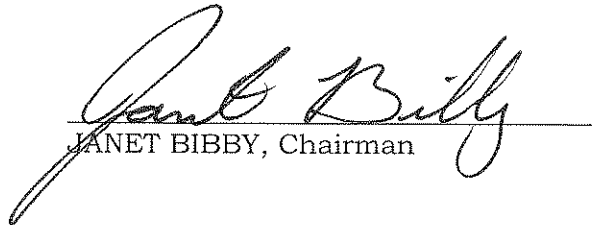
WHEREAS, as a result of this regulation to immediately cease FFP for medical benefits, all costs of medical care must be borne solely by counties.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County, a political subdivision of the State of California hereby:

- 1) Urges the United States Congress and United States Department of Health and Human Services to amend federal law to allow federal financial participation in providing medical benefits to incarcerated individuals until convicted and sentenced to secure detention.
- 2) Directs the Clerk of the Board to transmit a certified copy of this resolution to the county's federal legislative representatives and the Secretary of the United States Department of Health and Human Services.

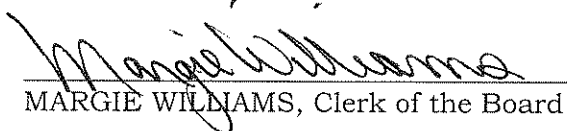
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 17th day of April 2007 by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



JANET BIBBY, Chairman

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:



THOMAS P. GUARINO, County Counsel