



Affordable Care Act: Health Coverage for Criminal Justice Populations

**Colorado Center on Law and Policy
Colorado Criminal Justice Reform Coalition**

Who we are



CCJRC and CCLP have partnered to help Colorado seize this historic opportunity to connect criminal justice populations with needed health care coverage and services.



Advances the health, economic security and wellbeing of low-income Coloradans through research, education, advocacy and litigation.



Advocates for criminal justice reforms and serves as a resource for people involved in the criminal justice system.



Presentation Roadmap

- Opportunities offered by the Affordable Care Act
- Enrollment & Eligibility for Criminal Justice Populations
- Medicaid Structure: Accessing Physical & Behavioral Health Care Services
- Engagement of Criminal Justice Stakeholders



Opportunities offered by the Affordable Care Act (ACA)



ACA is a Game Changer

- People involved in the criminal justice system have substantially higher rates of medical, psychiatric, and addiction problems as compared to the general public.
- Majority of criminal justice involved population – **70 to 90 percent** – do not have private or public health insurance.

ACA expands coverage to nearly everyone.

Impact on Criminal Justice Population



The ACA will:

- Increase health care coverage of criminal justice involved individuals.
- Ensure coverage offers essential health benefits, including mental health and substance use benefits.

Creating game changing potential for:

- Improving the **health** of the criminal justice population
- Enhancing **public safety** and reducing recidivism
- Reducing criminal justice **spending**

New Coverage Options

The ACA **requires** everyone to have health insurance or be subject to a tax penalty.

Medicaid

- ✓ Expanded to cover all Coloradans up to **133% FPL**, including single adults.
- ✓ Estimated 2/3 of criminal justice involved population will be eligible for Medicaid.

Marketplace

- ✓ Private insurance, including tax subsidies to those up to **400% FPL**.
- ✓ Estimated 1/3 of criminal justice involved population will be eligible for premium subsidies.

Coverage Options by Income



| Family Income (for a family of 4) | Children & Pregnant Women | | Adults |
|-----------------------------------|--|--|--|
| | <133% FPL <\$31,322 | Medicaid | Medicaid |
| | 133 - 200% FPL \$31,322 - \$47,100 | CHP+ (250% FPL in Colorado for kids) | - Employer coverage or - Subsidized exchange coverage with premiums capped at 3 to 6.3% of income |
| | 200 - 300% FPL \$47,100 - \$70,650 | - Employer coverage or - Subsidized exchange coverage with premiums capped at 6.3 to 9.5% of income | |
| | 300 - 400% FPL \$70,650 - \$94,200 | - Employer coverage or - Subsidized exchange coverage with premiums capped at 9.5% of income | |
| | >400% FPL > \$94,200 | - Employer coverage or - Full cost coverage in the insurance marketplace exchange | |

Note: Pregnant women eligible to 185% FPL. Former Foster Care Youth eligible to age 26.

Comprehensive Coverage

Under the ACA, both Medicaid and private health plans offered through the Marketplace must provide 10 essential health benefits.

- ✓ **10 Essential Health Benefits**
- ✓ Free preventative coverage (recommended services)
- ✓ Mental health and substance abuse coverage parity

- Ambulatory patient services
- Emergency Services
- Hospitalization
- Maternity/newborn care
- Mental health/substance abuse
- Prescription drugs
- Rehabilitative and habilitative services and devices
- Laboratory services
- Preventive and wellness care/chronic disease management
- Pediatric services, including oral and vision care

Applying for Coverage in Colorado



ConnectforHealthCO.com

1-855-PLANS-4-You

1-855-752-6749



Coloradopeak.force.com

1-800-359-1991

- ✓ You can start in either place: No wrong door entry point for Medicaid OR private insurance.
- ✓ If you are eligible for Medicaid or Medicare, you are **NOT** eligible for tax credits to purchase private insurance.



Eligibility and Enrollment of Criminal Justice Populations

Eligibility Depends on CJ Status

Eligibility to enroll in health coverage through Connect for Health Colorado or Medicaid differs depends on the person's involvement in the criminal justice system.

Most are eligible for coverage, some are not.

Clients are **NOT** eligible for coverage if **BOTH**:

- they are an inmate of a public institution (i.e., under the control of state, county, federal government or municipality), **AND**
- they can be charged criminally with escape if they leave the institution without authorization.

Eligibility during Pretrial Phase



| Pretrial Status | Eligible for Medicaid? | Marketplace | |
|--|-------------------------------|------------------------|---------------------------|
| | | Eligible for Coverage? | Eligible for Tax Credits? |
| - On bond or diversion pending disposition | Yes | Yes | Yes |
| - In Jail or prison pending disposition | No* | Yes** | Yes |

* The jail or prison facility is responsible for all health care services provided in-house. Medicaid can reimburse for medical care provided to an incarcerated person admitted as an inpatient in a hospital for at least 24 hours. Medicaid enrollment for this purpose can occur at any point during the hospitalization up to 90 days after release from the hospital.

** Private insurance may pay for inpatient or outpatient services received while someone is in jail pretrial as long as the person continues to pay premiums and receives treatment in-network.

Eligibility while serving a sentence



| Serving Sentence | Eligible for Medicaid? | Marketplace** | |
|------------------|----------------------------------|---------------------------|------------------------------|
| | | Eligible for Coverage? | Eligible for Tax Credits? |
| In Jail | No* | No | No |
| In Prison | No* | No | No |
| Probation | Yes | Yes | Yes |
| Parole | Yes | Yes | Yes |

* The jail or prison facility is responsible for all health care services provided in-house. Medicaid can reimburse for medical care provided to an incarcerated person admitted as an inpatient in a hospital for at least 24 hours.

**Marketplace enrollment must be discontinued within 30 days of being sentenced to a period of incarceration.

Eligibility in Community Corrections/Half-Way Houses



| Community Corrections | Eligible for Medicaid? | Marketplace | |
|---------------------------------------|------------------------|------------------------|---------------------------|
| | | Eligible for Coverage? | Eligible for Tax Credits? |
| -- Residential diversion clients | No | Yes | Yes |
| -- Residential transition clients | No | Yes | Yes |
| -- Non-residential diversion clients | Yes | Yes | Yes |
| -- Non-residential transition clients | Yes | Yes | Yes |
| -- Condition of probation* | Yes | Yes | Yes |
| -- Condition of parole | No | ? | ? |
| -- SB 252 beds (parole revoked) | No | No | No |

* As a condition of probation, the court can order a defendant convicted of a drug offense to complete treatment in a residential treatment program provided in a community corrections facility (CRS 18-1.3-204(2.2)). These people are not subject to prosecution for escape if they leave the facility (CRS 18-8-208(11)). Therefore, they are Medicaid eligible while residing in the community corrections facility.

Identification Needed to Enroll

- Identification and verification of citizenship is required for enrollment in Medicaid and Connect for Health Colorado.
 - ✓ Name
 - ✓ Social Security Number or Alien Registration Number
 - ✓ Date of Birth
 - ✓ Income information
- Citizenship and identify information is verified through Social Security Administration data hub.
 - ✓ If there is a match, no further verification is required.
 - ✓ If electronic verification fails, applicant must provide additional evidence of identity and citizenship.

Eligibility for Immigrants

- Immigrants are eligible for Medicaid if they are in Lawful Permanent Resident (LPR) status for five years or more.
- All lawful immigrants are eligible for tax credits available through Connect for Health Colorado.

Churn: Changes in Eligibility

People will move in and out of for **Medicaid and private insurance tax credits** depending on:

- Status in the criminal justice system,
- Income
- Household size

For example, if a person on Medicaid is incarcerated for:

- **Less than a year:** eligibility will be suspended.
- **More than a year:** eligibility will be terminated and the person will need to reapply.



Medicaid Structure: Accessing Physical & Behavioral Health Care

Medicaid Services Structure

Medicaid is administered by the Colorado Department of Health Care Policy and Financing (**HCPF**).

Physical Health Care Coordination

- Accountable Care Collaborative (**ACC**) is a statewide structure of fee for service managed care comprised of:
 - Regional Care Coordination Organizations and Primary Care Medical Providers. **Most clients on Medicaid will be enrolled in a RCCO.**

Behavioral Health Managed Care

- Behavioral Health Organizations (**BHOs**) are responsible for care coordination
- BHOs contract with community mental health centers and other treatment providers



Physical Health: Regional Care Collaborative Orgs

- There are currently seven RCCO regions in Colorado.
- Regional Care Collaborative Organizations are responsible for:
 - ✓ Care coordination and treatment support, including:
 - ✓ Developing provider networks
 - ✓ Contracting with Primary Care Medical Providers (**PCMP**) and working with Medicaid to ensure clients are assigned to a PCMP
 - ✓ Facilitating the referral process
 - ✓ Providing tools for PCMPs and delegating care coordination

Behavioral Health: Behavioral Health Organizations (BHOs)



- Medicaid behavioral health services are currently provided through Behavioral Health Organizations (**BHOs**). State is divided into 5 BHO regions.
- Menu of behavioral health services for Medicaid clients:
 - ✓ Inpatient hospital psychiatric care
 - ✓ Outpatient hospital psychiatric services
 - ✓ Psychiatrist services
 - ✓ Individual and group therapy
 - ✓ Medication management
 - ✓ Case management services
 - ✓ Emergency services
 - ✓ Vocational services
 - ✓ Clubhouse/drop-in centers
 - ✓ Assertive Community Treatment
 - ✓ Recovery services
 - ✓ Respite services
 - ✓ Prevention/early intervention activities
 - ✓ School-based and day treatment services for children/youth

Substance Use Disorder (SUD) Treatment Benefit



BHOs also manage **Substance Use Disorder (SUD)** services for Medicaid clients. Services include:

- ✓ Alcohol and/or drug assessment
- ✓ Detoxification services
- ✓ Individual and group therapy-outpatient
- ✓ Targeted case management
- ✓ Drug screening and monitoring
- ✓ Peer advocate services
- ✓ Medication Assisted Treatment

Medication Assisted Treatment (MAT)



Medication Assisted Treatment (MAT) including Methadone, Naloxone, Vivitrol and Suboxone may be covered under Medicaid.

Check with your local BHO and RCCO for more specific information on the MAT benefit, including any preauthorization that may be required.

Medicaid Coverage of SUD Treatment



- Court ordered treatment is **NOT** the same as medical necessity.
- Behavioral health treatment services, including Substance Use Disorder treatment, are covered by Medicaid if:
 - (1) The client has a diagnosis covered by the BHO, as determined by a **licensed professional**;
 - (2) Covered services are provided through an **approved treatment provider**; and
 - (3) Services are **medically necessary** as defined by the authorized treatment provider.

(1) Diagnosis by a Licensed Professional

Colorado's Department of Health Care Policy & Financing rules provide that Medicaid will pay for behavioral health services, including SUD treatment, if client has a BHO-covered diagnosis as **determined by a licensed provider**, such as:

- ✓ Physician,
- ✓ Clinical Social Worker,
- ✓ Professional Counselor,
- ✓ Marriage and Family Therapist,
- ✓ Addictions Counselor,
- ✓ Psychologist, or
- ✓ Nurse Practitioner

Plus addiction certification (e.g. CAC II or CAC III)

(2) Treatment Provider Credentials

Services must be provided by an approved treatment provider:

- The facility must be licensed by the Office of Behavioral Health (OBH) to offer outpatient services.
- The individual treatment provider must have specific credentials to be a Medicaid SUD treatment provider:

-- Licensed Physician +

- Certification in addiction medicine by ASAM or addiction psychiatry by ABPN,
- Certified Addiction Counselor (CAC) II or III, or
- Licensed Addiction Counselor

**-- Licensed Non-Physician +
(same list as previous slide)**

- CAC II or III
- NCCAC II, or
- MAC as certified by NAADAC

(3) Services Must be Medically Necessary



Medicaid will only pay for behavioral health (and physical health) services that are considered “medically necessary” - - as defined by Medicaid. Treatment must be:

- Reasonably necessary for the diagnosis or treatment of a covered mental health disorder or to improve, stabilize or prevent deterioration of functioning resulting from such a disorder;
- Clinically appropriate in terms of type, frequency, extent, site and duration;
- Provided in the most appropriate and least restrictive setting where services can be safely provided; and
- Cannot be omitted without adversely affecting the client’s mental health and/or physical health.



Opportunities for Criminal Justice Stakeholders

Make New Connections: Enrollment

- Get to know your county service offices that help with enrollment.
- Get to know the “health care navigators” in your community – these groups are specifically funded to help people enroll in health coverage.
- Have discussions with local jail administrators about their intention to (pre-)enroll inmates, especially pretrial releases.

Screen & Educate Clients

- Ask clients about whether they have health care coverage as early as possible.
- Conduct a survey of current clients to determine the scope of need for health care coverage.
- Develop methods to track client health care coverage over time.
- Provide information to clients on private health coverage options, Medicaid and penalty for not being covered.
 - Be mindful that clients may have no prior experience with obtaining insurance or having a primary care doctor.
 - Encourage them to discuss this issue with their family.

Plan for Savings

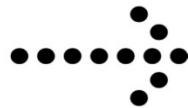
- Medicaid provides an opportunity for criminal justice agencies to reconsider how they spend funding from other sources for services now paid for by Medicaid.
 - ✓ Colorado Correctional Treatment Cash Fund
 - ✓ County, state and federal funds for inmate healthcare
- Medicaid does not have a prohibition on “braided” funding:
 - ✓ Medicaid pays for SUD treatment and CTCF funds pay the provider to write reports to the Court/supervising agency
 - ✓ Discuss any ideas regarding “braided” funding with BHO



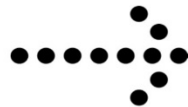
Questions

How to Apply for Coverage

Apply Online



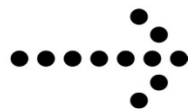
Apply by Phone



1-800-221-3943
TDD: 1-800-659-2656

1-855-PLANS4YOU
(1-855-752-6749)

Apply In Person



Public Health & Human
Services Offices

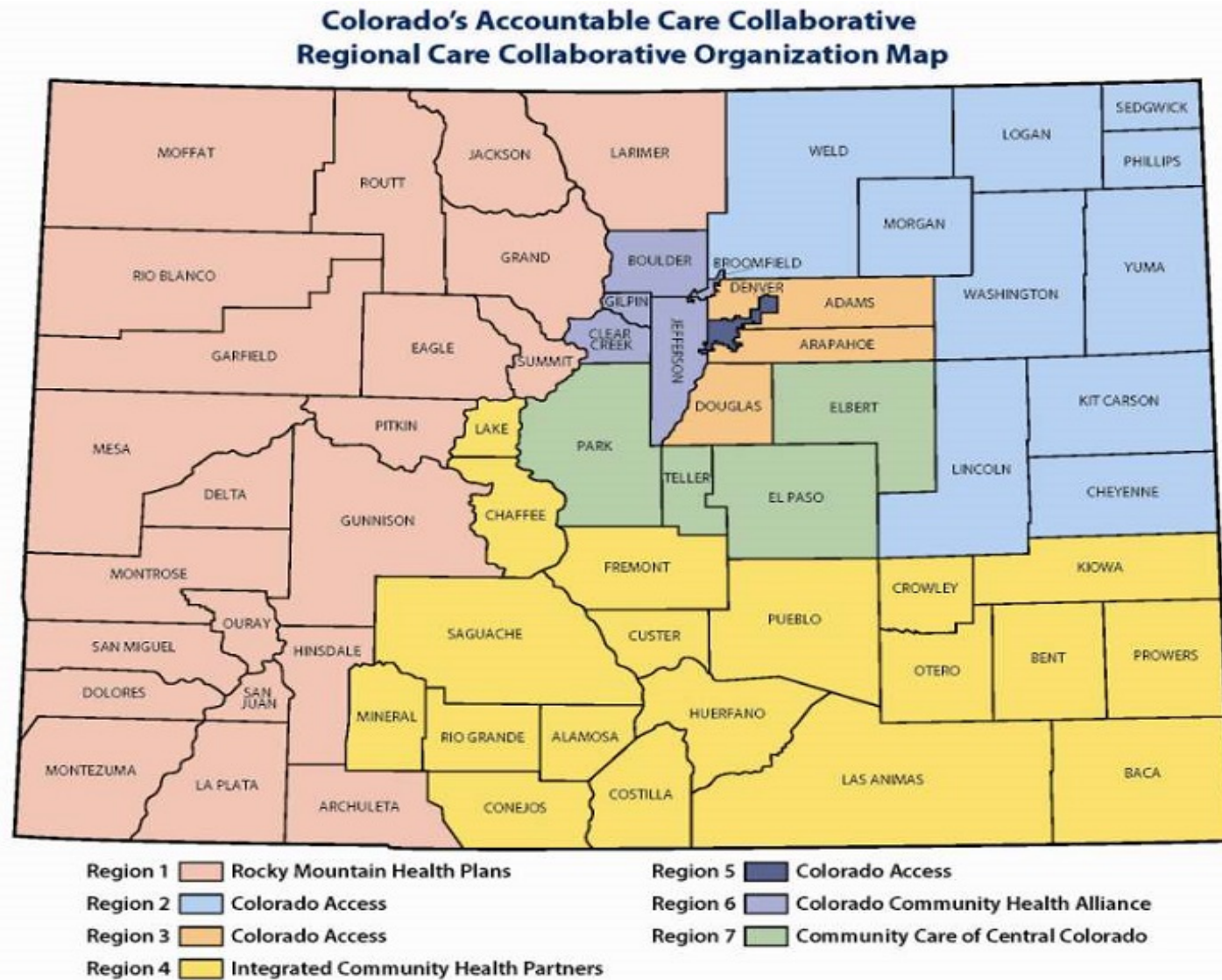
Certified Application
Assistance Sites

Connect for Health
Assistance Sites

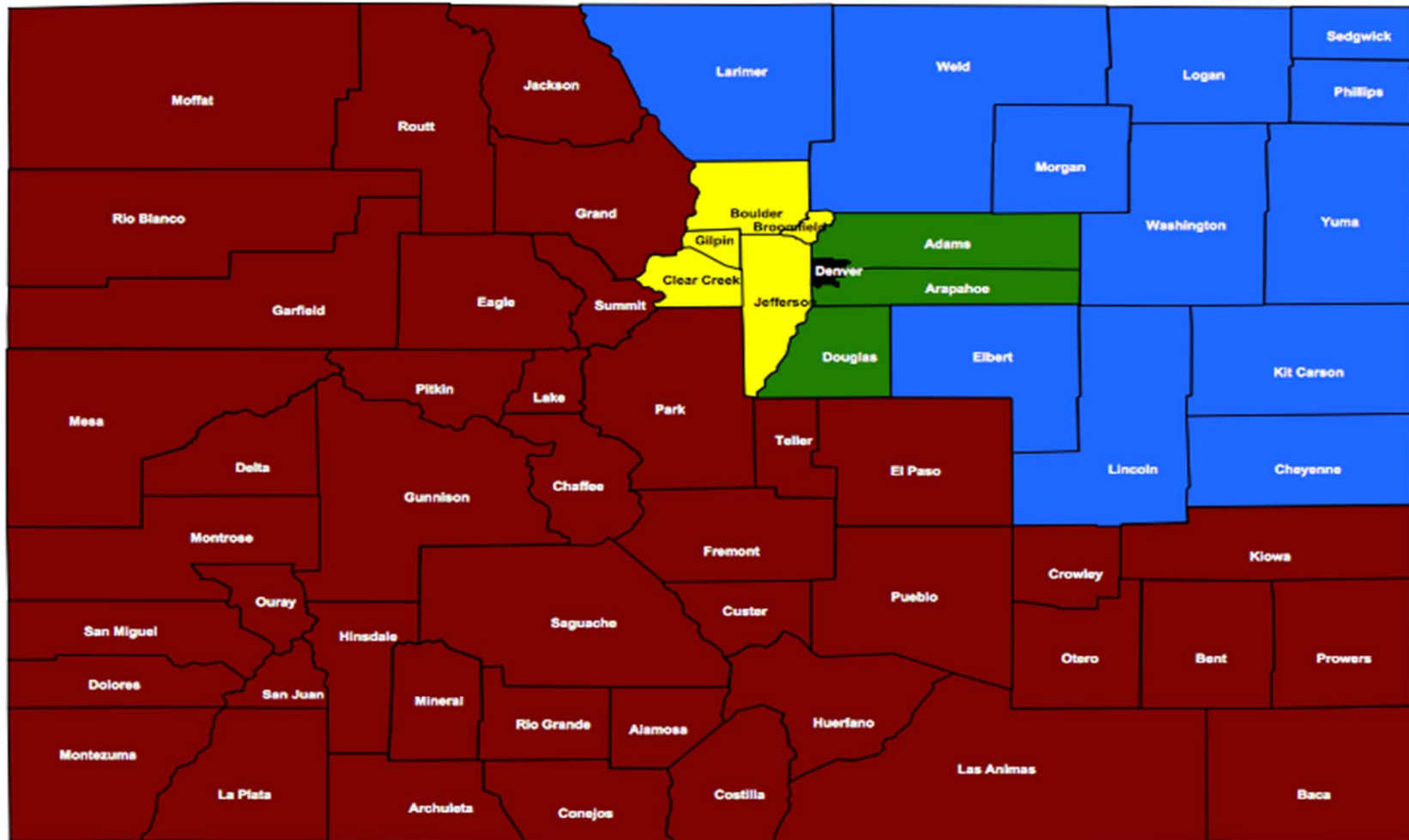
Medical Assistance
Sites

Presumptive Eligibility
Sites

Colorado is divided into **seven** Regional Care Collaborative Organizations (RCCO's)



Colorado has five Behavioral Health Organization regions.



**Colorado Medicaid Capitation
Behavioral Health Organizations
by Geographic Service Area**

- ◆ Northeast: Northeast Behavioral Health Partners, LLC
- ◆ Metro: Colorado Access Behavioral Care
- ◆ Metro West: Foothills Behavioral Health Partners, LLC
- ◆ Metro East: Behavioral Healthcare, Inc.
- ◆ Colorado Health Partners, LLC



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