



NATIONAL DISTRICT
ATTORNEYS ASSOCIATION
THE VOICE OF AMERICA'S PROSECUTORS

March 8, 2024

The Honorable Cathy McMorris Rodgers
Chairman, House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member, House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

cc: Members of the House Energy and Commerce Committee

Re: Support for H.R. 3074 – Due Process Continuity of Care Act

Dear Chairman McMorris Rodgers, Ranking Member Pallone, and Members of the Committee,

On behalf of the National District Attorneys Association (NDAA), the oldest and largest national organization representing over 6,000 state and local prosecutors in the country, I write in support of the Due Process Continuity of Care Act. This legislation permits incarcerated individuals to remain eligible for Medicaid and other federal benefits prior to conviction. This bill is aimed at ensuring pretrial detainees receiving substance use treatment can continue such treatment, reducing the rates of overdose and recidivism post-detainment.

The Medicaid Inmate Exclusion Policy (MIEP), which was established under Sec. 1905(a)(A) of the Social Security Act, prohibits the use of Medicaid to incarcerated individuals. This policy not only applies to convicted individuals in prison, but also to those detained while awaiting trial, regardless of whether they have been convicted. Pretrial detainees are unable to access services such as substance use disorder treatment, mental health, and hospital and outpatient care in local jails from the Department of Veterans Affairs. Additionally, pretrial detainees lose their Medicaid coverage during incarceration prior to trial.

According to [Dr. Jerome Adams](#), former U.S. Surgeon General and Indian Health Commissioner, 65% of incarcerated people suffer from an active substance use disorder, and only 12% of U.S. jails and prisons offer continued substance use disorder (SUD) related health care during incarceration. A publication by the [National Center on Addiction and Substance Abuse](#) reports one-third of the prison population is diagnosed with mental illness.

NDAA strongly supports reasonable and balanced approaches to criminal justice reform. Prosecutors are emphatically in the accountability profession, and it is appropriate that any changes to improve the criminal justice system strike the right balance among enforcement and

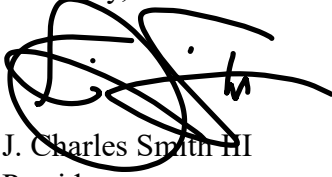
Supporting Prosecutors' Efforts to Protect the Rights and Safety of the People

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accountability, alternatives to incarceration and rehabilitation. We believe the Due Process Continuity of Care Act equitably reconciles this balanced approach.

With over 70 cosponsors already, we urge the passage of H.R. 3074 out of the House Energy and Commerce Committee. We look forward to working with you and your staff on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Charles Smith III", written over a circular scribble.

J. Charles Smith III
President

National District Attorneys Association