

Agenda Item #:

5A4

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

ADD ON

AGENDA ITEM SUMMARY

Meeting Date: December 18, 2007

☐ Consent  
☐ Ordinance

☒ Regular  
☐ Public Hearing

Department:

Submitted By: Legislative Affairs

Submitted For: Administration

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution by the Board of County Commissioners of Palm Beach County, Florida, providing for federal regulation, providing for federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.

**Summary:** At the request of Commissioner Aaronson, the Board directed staff to draft this resolution.  
Countywide (DW)

**Background and Justification:**

**Attachment:**

1. Resolution
2. Memorandum

Recommended by: Carol J. Blum  
Department Director

12/17/07  
Date

Approved by: Paula Lewis  
Assistant County Administrator

12/17/07  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT		<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Program NA

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

*If legislation passes, there will be a positive fiscal impact for the county which is indeterminable at this time.*

*[Signature]* 12-17-07  
OFMB

Contract Development and Control

### B. Legal Sufficiency:

*[Signature]*  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 10/95  
ADM FORM 01

This summary is not to be used as a basis for payment

RESOLUTION NO. R-2007-

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR FEDERAL REGULATION, PROVIDING FOR FEDERAL FINANCIAL PARTICIPATION FOR MEDICAL BENEFITS TO INCARCERATED INDIVIDUALS UNTIL CONVICTED AND SENTENCED TO SECURE DETENTION.**

**WHEREAS**, U.S. 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 conviction; and

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

**WHEREAS**, as the results 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 COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA requests and strongly urges Congress to amend necessary federal regulation to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.**

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson	-
Commissioner Jeff Koons, Vice-Chair	-
Commissioner Karen T. Marcus	-
Commissioner Robert J. Kanjian	-
Commissioner Mary McCarty	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-

The Chairperson thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of December 2007.

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk and Comptroller

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By Anne Delgent  
County Attorney



**Burt Aaronson**

County Commissioner, District 5  
Board of County Commissioners

*Bob*



DATE: December 3, 2007

TO: Commissioner Addie Greene, Chair  
and Members of the Board of County Commissioners

FROM: Commissioner Burt Aaronson

RE: Commissioner Comments

Under my comments I intend to discuss the attached email I received from Broward County Commissioner Ilene Lieberman. I would like the Board to direct staff to prepare a resolution regarding the loss of federal entitlement benefits for the Board's consideration.

cc: Bob Weisman, County Administrator  
Denise Nieman, County Attorney

"An Equal Opportunity Affirmative Action Employer"

**Burt Aaronson - Loss of Federal Entitlement Benefits**

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→ **From:** "Lieberman, Ilene" <ILIEBERMAN@broward.org>  
**To:** <baaronso@co.palm-beach.fl.us>  
**Date:** 11/30/2007 12:50 PM  
**Subject:** Loss of Federal Entitlement Benefits

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November 30, 2007

Dear Commissioner Aaronson:

**RE: Loss of Federal Entitlement Benefits**

I was surprised to learn some time ago that currently a person incarcerated in a county jail or juvenile detention center in nearly all states is ineligible to retain Medicare and Medicaid benefits or Social Security Disability Insurance (SSDI) once they enter the facility. U. S. Code of Federal Regulations, Title 42, Part 435.1009 states that Federal Financial Participation (FFP) is not available for services provided to individuals who are inmates of public institutions. As a consequence, the cost of medical care for these inmates becomes a non-federal responsibility (typically born by county governments) upon arrest and detention. The cost to counties for persons who would otherwise be receiving federal entitlement payments is significant based on county estimates. The vast majority of states are unable to provide the non-federal cost of providing medical services to FFP eligible persons and tend to terminate or sometimes suspend eligibility. If the individual has been terminated from these programs, it may take months for these federal benefits to be restored once they leave the institution. In fact, there is an immediate cessation of benefits prior to the issuance of formal charges or conviction. Yet our country is founded on the presumption of innocence.

Many people awaiting trial who are charged with crimes are released upon posting of bond, released on their own recognizance, released under house arrest or other alternative means of detention. These accused people (who have not been convicted of a covered crime) continue to be eligible for benefits under Medicare, Medicaid, or SSDI while awaiting trial. Some individuals who are charged with crimes and incarcerated in county jails are ultimately acquitted of the crime or the charges may be dropped and the individual released. Nonetheless, because they remain in jail until trial, these innocent individuals lose their benefits.

All individuals who are eligible for medical benefits prior to arrest should continue to be eligible until such time as they have been convicted of a crime and become a ward of the state or county. Counties have found that the cessation (however temporary) of their benefits leads directly to further criminal activity, perpetuating a cycle of their being in and out of the justice system. Health and income support benefits for this class of people should continue until the point of actual incarceration.

**Congressmen Wexler and Hastings have asked the federal government to consider changes to federal regulation and statute. I hope you will consider supporting their efforts by passing the resolution drafted below.**

Thank you, and please feel free to contact me if I may provide additional information.

Ilene Lieberman  
Broward County Commissioner  
FAC Second Vice President

## **Loss of Federal Entitlement Benefits Draft Resolution**

WHEREAS, U.S. 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 conviction, and

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

WHEREAS, as the 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 \_\_\_\_\_ requests and strongly urges Congress to amend necessary federal regulation to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.