

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE RESOLUTION

No. 115 Session of  
2001

INTRODUCED BY ERICKSON, HELFRICK, KITCHEN, M. WHITE, KUKOVICH,  
MOWERY, MUSTO, O'PAKE, BELL, BOSCOLA, SCHWARTZ, THOMPSON,  
GERLACH, RHOADES AND WOZNIAK, OCTOBER 1, 2001

SENATOR D. WHITE, INTERGOVERNMENTAL AFFAIRS, AS AMENDED,  
JANUARY 23, 2002

## A RESOLUTION

1 Memorializing the President and Congress of the United States to  
2 amend regulations that prohibit the use of Federal Medicaid  
3 funds for prison MENTAL HEALTH AND MENTAL RETARDATION  
4 PROGRAMS AND drug and alcohol rehabilitation programs. <—

5 WHEREAS, Studies have shown that approximately 80% of prison  
6 inmates are affected by mental health/mental retardation and  
7 drug and alcohol problems; and

8 WHEREAS, Studies have confirmed that 33% of all criminal  
9 justice costs are related to substance abuse; and

10 WHEREAS, Data indicates that 40% of State prisoners will be  
11 released in the next 12 months and studies demonstrate that  
12 approximately 50% to 60% of inmates released from prison will  
13 reengage in criminal activity; and

14 WHEREAS, In 1999 approximately 3,773,600 American adults were  
15 on probation and nearly 713,000 were on parole with minimal  
16 substance abuse treatment; and

17 WHEREAS, Research has proven that rehabilitation programs  
18 sharply reduce rates of recidivism, thereby ending a vicious and

1 socially destructive cycle of entry and exit from prison; and  
2 WHEREAS, By providing funds to establish drug and alcohol  
3 rehabilitation programs in State and county prisons, the State  
4 will be able to reduce the judicial and operational costs  
5 associated with repeat offenders and recidivism; and

6 WHEREAS, Current law prohibits the use of Federal Medicaid  
7 funds for drug and alcohol rehabilitation programs in prisons  
8 under 42 CFR § 435.1009 (relating to definitions relating to  
9 institutional status); ~~therefore be it~~ AND <—

10 WHEREAS, CURRENT LAW ALSO PROHIBITS THE USE OF FEDERAL  
11 MEDICAID FUNDS FOR MENTAL HEALTH AND MENTAL RETARDATION  
12 TREATMENT PROGRAMS IN PRISONS UNDER 42 CFR § 435.1009 (RELATING  
13 TO DEFINITIONS RELATING TO INSTITUTIONAL STATUS); AND

14 WHEREAS, TREATMENT SHOULD LEAD TO A DECREASE IN RECIDIVISM  
15 AMONG PRISONERS AFFLICTED WITH MENTAL HEALTH AND MENTAL  
16 RETARDATION PROBLEMS; THEREFORE BE IT

17 RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
18 memorialize the President and Congress of the United States to  
19 amend 42 CFR § 435.1009 to permit the use of Federal Medicaid  
20 funds for prison MENTAL HEALTH AND MENTAL RETARDATION TREATMENT <—

21 PROGRAMS AND drug and alcohol rehabilitation programs and  
22 thereby afford states throughout the nation the ability to  
23 reduce recidivism and lower crime through ~~prison~~ PRISON- <—  
24 ADMINISTERED TREATMENT AND rehabilitation programs; and be it  
25 further

26 RESOLVED, That copies of this resolution be transmitted to  
27 the President, the presiding officers of each house of Congress  
28 and to each member of Congress from Pennsylvania.