

# United States Senate

WASHINGTON, DC 20510

June 21, 2024

Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

As our communities continue to face the fentanyl crisis, we urge you to immediately expand access to pre-release medication-assisted treatment (MAT) for opioid use disorder in correctional settings by approving all relevant pending Section 1115 Medicaid waiver applications. With the approval of these waivers, 18 more states, including our states of New Hampshire and West Virginia, will be able to support pre-release addiction treatment for people in correctional facilities.

MAT is the clinical gold standard for treating opioid use disorder.<sup>1</sup> The medications prescribed for MAT cut an individual's craving for opioids and helps them enter long-term recovery. Some estimates show that two-thirds of people in prisons have a substance use disorder, but are less likely than other Americans to have access to medication to treat opioid use disorder.<sup>2, 3</sup> And in particular, inside correctional settings, federal laws tightly constrain the use of Medicaid funds for addiction treatment.<sup>4</sup>

Under the Section 1115 Medicaid demonstration waiver program, your agency has empowered individual states to bypass those constraints and provide MAT to people in correctional facilities who are soon to be released. We strongly support allowing states to treat individuals before they return to their communities, so that they are more ready to transition to community-based addiction treatment when they return home. This continuity of addiction care is the best way to ensure that people are prepared to stay in treatment when they are released from jail or prison.

Unfortunately, although the Centers for Medicare and Medicaid Service (CMS) has approved some waivers, there are 18 state Section 1115 waiver applications for pre-release MAT in correctional facilities currently sitting before CMS pending approval.<sup>5</sup> You have the discretion and the authority to ensure that these applications are reviewed and returned to states expeditiously. We urge you to act right away, as pre-release medication for opioid use disorder can save lives, protect public safety, and help individuals transition back to their communities.

---

<sup>1</sup> <https://eguideline.guidelinecentral.com/i/1275542-asam-opioid-patient-guide-2020/3?>

<sup>2</sup> <https://www.whitehouse.gov/wp-content/uploads/2022/04/National-Drug-Control-2022Strategy.pdf>

<sup>3</sup> [https://oneill.law.georgetown.edu/wp-content/uploads/2023/02/ONL\\_Revised\\_50\\_State\\_P5-Updated.pdf](https://oneill.law.georgetown.edu/wp-content/uploads/2023/02/ONL_Revised_50_State_P5-Updated.pdf)

<sup>4</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/08/how-and-when-medicare-covers-people-under-correctional-supervision>

<sup>5</sup> <https://www.kff.org/medicaid/issue-brief/medicaid-waiver-tracker-approved-and-pending-section-1115-waivers-by-state/>

The case for beginning MAT in jails and prisons before release has been strongly established by medical research. Initiating treatment in this setting reduces individuals' chances of relapse and helps them navigate a challenging transition period.<sup>6, 7</sup> Pre-release addiction treatment can also save money for state Medicaid programs.<sup>8</sup>

Expanded medication for opioid use disorder treatment in this setting has been endorsed by state Attorneys General from both parties, and the National Association of Sheriffs.<sup>9</sup> Transitional MAT has also been endorsed by correctional authorities in the more than 20 states that have submitted Section 1115 waiver applications to date. Those include states under both Democratic and Republican leadership in every region of the country.

We urge you to take immediate action to approve the pending Section 1115 waiver applications. We look forward to working with you to ensure that CMS does everything it can to help combat the fentanyl crisis.

Sincerely,



---

Margaret Wood Hassan  
United States Senator



---

Shelley Moore Capito  
United States Senator



---

Bill Cassidy, M.D.  
United States Senator

---

<sup>6</sup> <https://www.nih.gov/news-events/nih-research-matters/treatment-opioid-use-disorder-jail-reduces-risk-return>

<sup>7</sup> <https://www.ruralhealthinfo.org/toolkits/moud/1/benefits>

<sup>8</sup> <https://ncbi.nlm.nih.gov/books/NBK541389/>

<sup>9</sup> <https://www.sheriffs.org/programs-and-initiatives/medication-assisted-treatments>