

# WHERE DO THEY STAND IN 2020?



**An Issue Guide with Candidate  
Questions to Promote Health Care  
and Access to Opportunities  
for Justice-Involved Individuals**

# WHY IT MATTERS

A majority of incarcerated individuals are living with a substance use and/or mental health disorder, and most return to the communities from which they came. Increasing access to substance use disorder ("SUD") and mental health ("MH") care would reduce recidivism as well as the number of individuals who become involved with the criminal justice system overall. In order to ensure that those who are formerly incarcerated can move forward, overcome their pasts and fully participate in society, we must eliminate the barriers they face when seeking adequate health care, safe and permanent housing, higher education, quality employment, and in exercising their right to vote.

As candidates around the country prepare for the upcoming elections, we present the following background information and suggested questions stakeholders and other voters can ask their candidates on health and criminal justice issues.

**THIS ELECTION CYCLE, WE ENCOURAGE  
VOTERS TO KNOW WHERE THE CANDIDATES  
STAND ON THESE ISSUES.**

# HEALTH

## QUESTION FOR CANDIDATE:

### “DO YOU SUPPORT MEDICAID EXPANSION IN YOUR STATE?”

#### Issue/Explanation:

Medicaid is a federal public insurance program that states administer to provide health care coverage and services for certain low-income populations.<sup>1</sup> The expansion of Medicaid's eligibility requirements under the Affordable Care Act (“ACA”) has led to significant [coverage gains](#) along with reductions in uninsured rates among people who have low incomes.<sup>2</sup> Research indicates that the Medicaid expansion had a positive impact on engagement in services, access to care, affordability of care, and financial security among participants.<sup>3</sup> Additionally, Medicaid expansion has led to improvements in [access to medications](#) to treat opioid and other substance use disorders and to prevent deaths related to opioid overdose.<sup>4</sup> Ensuring strong coverage of and access to the full range of evidence-based prevention, treatment, and recovery support services and medications for mental health and substance use disorders in all public (including Medicaid and Medicare) and private insurance is key to combating the opioid epidemic. However, not all states have expanded their Medicaid eligibility requirements.<sup>5</sup>

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## QUESTION FOR CANDIDATE:

### “WILL YOU DEFEND MEDICAID AGAINST CERTAIN HARMFUL POLICIES SUCH AS WORK REQUIREMENTS, FUNDING CUTS, TIME LIMITS OR OTHER PROVISIONS THAT LIMIT PEOPLE'S ACCESS TO THE PROGRAM?”

#### Issue/Explanation:

The majority of adult Medicaid recipients [work](#). However, there are some individuals that experience [barriers to employment](#) which make it difficult for them to obtain full-time work, such as: undiagnosed disabilities, the prevalence of jobs where workers don't have control over their work schedules, and a host of other obstacles.<sup>6</sup> Additionally, individuals with a criminal record often face discrimination in the labor market and have trouble obtaining employment or jobs that offer benefits. The federal government is encouraging states to use Medicaid waiver programs (which are meant to offer innovative strategies to improve care to certain populations) to do harmful things like implement work requirements, time limits and lock-outs that [create barriers](#) to low-income individuals' eligibility for Medicaid and make it more difficult for people to access life-saving health care.

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**QUESTIONS FOR CANDIDATE:**

**“DO YOU CONSIDER RACISM TO BE A PROBLEM THAT HINDERS THE HEALTH CARE SYSTEM?”**

**&**

**“WILL YOU WORK TO IDENTIFY AND ELIMINATE THE DISPARITIES IN THE HEALTH CARE SYSTEM THAT ARE CAUSED BY RACISM?”**

**Issue/Explanation:**

There are many documented cases in which an individual's race, economic status, and/or geographic location, etc. plays a role in whether the individual is punished for their substance use, or treated for it.<sup>7</sup> Furthermore, these factors also influence the type and quality of substance use disorder treatment available to them.<sup>8</sup>

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**QUESTIONS FOR CANDIDATE:**

**“WILL YOU WORK TO ENSURE MEDICAID COVERAGE FOR INCARCERATED INDIVIDUALS TO IMPROVE THE CONTINUITY OF THEIR HEALTH CARE ONCE THEY ARE RELEASED?”**

**&**

**“WILL YOU SUPPORT A HEALTH FIRST APPROACH TO JUSTICE SYSTEMS BY PROMOTING ALTERNATIVES TO INCARCERATION PROGRAMS AND OTHER TYPES OF SENTENCING REFORM (SUCH AS DIVERSION INTO HEALTH CARE, INCLUDING SUBSTANCE USE DISORDER AND MENTAL HEALTH CARE)?”**

**Issue/Explanation:**

Studies have shown that enrolling people in Medicaid prior to release from incarceration or as soon as they are released can improve their health and stability and reduce recidivism.<sup>10</sup> Many of these individuals are eligible for Medicaid, however they will often have to wait too long to receive coverage or care after release when their application is delayed.

**QUESTIONS FOR CANDIDATE:**

**“WILL YOU SUPPORT PUBLIC EDUCATION ON OVERDOSE PREVENTION (INCLUDING NALOXONE) TO ENSURE THAT EFFECTIVE TOOLS ARE WIDELY AVAILABLE TO PREVENT OVERDOSE DEATHS?”**

&amp;

**“HOW WILL YOU WORK TO IMPROVE ACCESS TO ADDICTION CARE, INCLUDING MEDICATION-ASSISTED TREATMENT, FOR PEOPLE IN THE HEALTH CARE AND CRIMINAL JUSTICE SYSTEMS?”**

&amp;

**“WILL YOU SUPPORT EVIDENCE-BASED PROGRAMS WHEN TREATING AND PREVENTING THE SPREAD OF HIV, VIRAL HEPATITIS, AND OTHER BLOOD-BORNE DISEASES, INCLUDING THE GREATER USE OF SYRINGE EXCHANGE PROGRAMS?”**

**Issue/Explanation:**

The opioid epidemic has recently been labeled a national public health crisis due to increased numbers of overdose deaths and the threat of increased HIV, viral hepatitis, and other blood-borne disease transmissions.<sup>9</sup> However, untreated mental illness, trauma, and lack of access to health care are also connected to other types of substance use disorders. There are three FDA-approved medications that have been demonstrated to be effective in treating opioid addiction, yet they are extremely underutilized. Barriers to these medications include inadequate coverage and regulatory and bureaucratic barriers from private and public insurers, and a lack of understanding and outdated stereotypes around addiction medications.

**QUESTION FOR CANDIDATE:**

**“WILL YOU WORK WITH YOUR STATE TO FULLY IMPLEMENT AND ENFORCE THE MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT TO IMPROVE ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER CARE?”**

**Issue/Explanation:**

The federal Mental Health Parity and Addiction Equity Act (MHPAEA) mandates that health insurance plans' standards for substance use and mental health benefits be comparable to, and be no more restrictive than, the standards for other [medical benefits](#). Discriminatory access to mental health and substance use disorder benefits is unfortunately still rampant. The full promise of the Parity Act has not been fully realized due to insurer resistance and inadequate state enforcement.

**QUESTION FOR CANDIDATE:**

**“DO YOU SUPPORT THE PRESERVATION OF THE CORE PATIENT PRIVACY PROTECTIONS OF 42 CFR PART 2, THE FEDERAL SUBSTANCE USE DISORDER CONFIDENTIALITY REGULATION FOR HEALTH CARE RECORDS?”**

**Issue/Explanation:**

[In the 1970s, Congress enacted a federal law](#) to protect the privacy of substance use disorder patient records by prohibiting unauthorized disclosures of this health information. Under the federal regulation, 42 CFR Part 2 (“Part 2”) -- patients have the right to consent to when and where their SUD treatment information will be disclosed, except in limited circumstances. Confidentiality is one of patients’ top concerns around entering treatment for SUD.<sup>11</sup> This is because people have faced arrest, prosecution, and incarceration, as well as loss of housing, child custody, employment, insurance, and public benefits due to their health information being disclosed without authorization. Consequently, people with SUD are more likely to seek out and stay in treatment if they know their treatment records will not be unnecessarily disclosed without their knowledge or permission.

# HOUSING

**QUESTIONS FOR CANDIDATE:**

**“WOULD YOU SUPPORT REQUIRING PUBLIC AND PRIVATE HOUSING PROVIDERS TO REMOVE QUESTIONS ABOUT CRIMINAL HISTORY FROM HOUSING APPLICATIONS?”**

&

**“WOULD YOU SUPPORT A POLICY TO PROHIBIT HOUSING DISCRIMINATION SOLELY BECAUSE AN APPLICANT HAS A CRIMINAL RECORD?”**

**Issue/Explanation:**

Criminal record restrictions for public and private housing have been an accepted and enforced practice across the country for decades, leaving many young people and parents (who have been caught in the web of the criminal justice system) either homeless or living apart from each other.<sup>12</sup> Housing barriers leave those who have already received and completed a criminal sentence in a state of perpetual punishment. Housing is important because it gives people a stable place to live while they work towards re-integrating into society, completing substance use disorder treatment if needed, and maintaining employment.

# EDUCATION

## QUESTIONS FOR CANDIDATE:

**“DO YOU SUPPORT FAIR ADMISSIONS POLICIES THAT CONSIDER A STUDENT’S SUITABILITY FOR ADMISSION IN ITS ENTIRETY, INCLUDING FACTORS SUCH AS WHEN A CRIMINAL CONVICTION OCCURRED AND EVIDENCE OF THE STUDENT’S REHABILITATION RATHER THAN FLAT CRIMINAL RECORD BANS?”**

**&**

**“DO YOU SUPPORT INCREASING ACCESS TO HIGHER EDUCATION FOR INDIVIDUALS WHILE THEY ARE INCARCERATED?”**

### **Issue/Explanation:**

[Higher education](#) lowers recidivism rates, which creates cost savings for correctional systems, along with other institutions, and would potentially increase tax revenue. Barriers to education for criminal justice-involved people undermine successful re-entry and prevent people from fulfilling their potential.<sup>13</sup>



# EMPLOYMENT & LICENSING

## QUESTIONS FOR CANDIDATE:

“WOULD YOU SUPPORT A POLICY TO PROHIBIT EMPLOYMENT DISCRIMINATION SOLELY BECAUSE AN APPLICANT HAS A CRIMINAL RECORD?”

&

“DO YOU SUPPORT ELIMINATING BARRIERS TO EMPLOYMENT FOR PEOPLE WITH CRIMINAL RECORDS VIA ‘BAN THE BOX’ POLICIES AND SIMILAR FAIR HIRING INITIATIVES?”

&

“DO YOU SUPPORT EXPANDING AND STRENGTHENING PROGRAMS PROVEN EFFECTIVE IN PROMOTING THE EMPLOYMENT OF PEOPLE WITH CRIMINAL RECORDS?”

&

“DO YOU SUPPORT THE ELIMINATION OF OCCUPATIONAL LICENSING RESTRICTIONS FOR INDIVIDUALS WITH CRIMINAL HISTORIES IN CIRCUMSTANCES IN WHICH THEIR RECORDS DO NOT DIRECTLY RELATE TO THE DUTIES AND RESPONSIBILITIES OF THE OCCUPATION OR PROFESSION?”

## Issue/Explanation:

Most states allow employers to refuse to [hire people with criminal records](#); these policies can affect not only individuals who have been convicted, but also those who were arrested and never convicted.<sup>14</sup> Not hiring or considering anyone with any type of criminal history locks out and eliminates many qualified individuals from the job market. “Ban the box” policies that delay when an employer can ask about criminal history allows qualified individuals with records to have a better chance to fairly compete for a job. Also, some licensing agencies may be able to disqualify individuals with a conviction record without considering an individual’s proof of rehabilitation, or whether the offense(s) has a relationship to the individual’s ability to perform the job.<sup>15</sup>



QUESTION FOR CANDIDATE:

**“DO YOU SUPPORT REDUCING THE NUMBER OF YEARS BETWEEN AN INDIVIDUAL'S CONVICTION AND THE EXPUNGEMENT/SEALING OF THEIR RECORD FOR THOSE INDIVIDUALS WHO HAVE DEMONSTRATED REHABILITATION?”**

**Issue/Explanation:**

The ability for someone with a criminal history to have their record expunged or sealed after rehabilitation limits the discrimination they may face due to their record in the areas of employment, housing, and more.



# VOTING RIGHTS

## QUESTIONS FOR CANDIDATE:

**“WOULD YOU SUPPORT AUTOMATIC RESTORATION OF THE RIGHT TO VOTE TO ALL INDIVIDUALS CONVICTED OF A FELONY OFFENSE OR NO LOSS OF ENFRANCHISEMENT AFTER CONVICTION?**

**&**

**“WOULD YOU SUPPORT AND CREATE STATEWIDE INITIATIVES THAT EDUCATE FORMERLY INCARCERATED PEOPLE ON THEIR VOTING RIGHTS?”**

### **Issue/Explanation:**

Although voting laws vary by state, approximately 6.1 million Americans are unable to vote due to their felony record, even after completing their sentence.<sup>16</sup> Additionally, the lack of voter education prevents many formerly incarcerated individuals who are legally eligible to vote from doing so.<sup>17</sup>

## VOTING RESOURCES

There are a host of available online resources that can assist you with voting. Here are a few:

### **NONPROFIT VOTE**

[www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/](http://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/)

Lists voting rights for formerly incarcerated by state

### **SPREAD THE VOTE**

<https://www.spreadthevote.org/>

Assists people in obtaining IDs in Florida, Georgia, Texas, Tennessee, and Virginia, so they can vote.

### **NATIONAL ASSOCIATION OF STATE SECRETARIES**

[www.nass.org/can-i-vote](http://www.nass.org/can-i-vote)

Voter registration, locates polling place

### **HEAD COUNT**

[www.headcount.org](http://www.headcount.org)

Voter registration, lists election dates, voter education





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