

118TH CONGRESS  
1ST SESSION

# S. 1820

To amend titles XIX and XXI of the Social Security Act to provide a consistent standard of health care to incarcerated individuals, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend titles XIX and XXI of the Social Security Act to provide a consistent standard of health care to incarcerated individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Humane Correctional  
5 Health Care Act”.

6 **SEC. 2. REPEAL OF MEDICAID AND CHIP EXCLUSIONS RE-**  
7 **LATING TO INCARCERATED INDIVIDUALS.**

8 (a) MEDICAID.—Section 1905(a) of the Social Secu-  
9 rity Act (42 U.S.C. 1396d(a)) is amended, in the matter

1 following paragraph (31), by striking “such term does not  
2 include—” and all that follows through “patient in an in-  
3 stitution for mental diseases” and inserting “such term  
4 does not include any such payments with respect to care  
5 or services for any individual who has not attained 65  
6 years of age and who is a patient in an institution for  
7 mental diseases”.

8 (b) CHIP.—Section 2110(b) of the Social Security  
9 Act (42 U.S.C. 1397jj(b)) is amended—

10 (1) in paragraph (2)(A), by striking “except as  
11 provided” and all that follows through “public insti-  
12 tution or”; and

13 (2) by striking paragraph (7).

14 (c) CONFORMING AMENDMENTS.—

15 (1) Section 1902 of the Social Security Act (42  
16 U.S.C. 1396a) is amended—

17 (A) in subsection (a), by striking para-  
18 graph (84); and

19 (B) by striking subsection (nn).

20 (2) Section 1905(a) of the Social Security Act  
21 (42 U.S.C. 1396d(a)), as amended by subsection (a),  
22 is amended, in the matter following paragraph (31),  
23 by striking “set forth in the subdivision (B) fol-  
24 lowing paragraph (30) of the first sentence of this  
25 subsection” and inserting “set forth in the portion

1 of the first sentence of this subsection that follows  
2 the last numbered paragraph of this subsection”.

3 (3) Section 5122 of division FF of the Consoli-  
4 dated Appropriations Act, 2023 (Public Law 117–  
5 328) is repealed.

6 (d) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply with respect to medical assistance,  
8 child health assistance, and pregnancy-related assistance  
9 provided on or after January 1, 2024.

10 **SEC. 3. REPORT BY COMPTROLLER GENERAL.**

11 Not later than the date that is 3 years after the date  
12 of enactment of this Act, and annually thereafter for each  
13 of the following 5 years, the Comptroller General of the  
14 United States shall submit to Congress a report con-  
15 taining the following information:

16 (1) The percentage of incarcerated individuals  
17 that receive medical assistance under a State plan  
18 under title XIX of the Social Security Act (42  
19 U.S.C. 1396 et seq.) or child health assistance or  
20 pregnancy-related assistance under a State plan  
21 under title XXI of the Social Security Act (42  
22 U.S.C. 1397aa et seq.).

23 (2) The access of incarcerated individuals to  
24 health care services, including specialty care, and  
25 health care providers.

1           (3) The quality of health care services provided  
2 to incarcerated individuals.

3           (4) Any impact of coverage under such a State  
4 plan on recidivism.

5           (5) The percentage of incarcerated individuals  
6 who, upon release, are—

7                   (A) enrolled under such a State plan; and

8                   (B) connected to a primary care provider  
9 in their community.

10          (6) Trends in the prevalence and incidence of  
11 illness and injury among incarcerated individuals.

12          (7) Any other information the Comptroller Gen-  
13 eral determines necessary regarding the health of in-  
14 carcerated individuals.

15 **SEC. 4. SENSE OF CONGRESS ON INCARCERATION AND**  
16 **COMMUNITY-BASED HEALTH SERVICES.**

17 It is the sense of Congress that—

18           (1) no individual in the United States should be  
19 incarcerated for the purpose of being provided with  
20 health care that is unavailable to the individual in  
21 the individual's community;

22           (2) each State and unit of local government  
23 should establish programs that offer community-  
24 based health services (including mental health and

1 substance use disorder services) commensurate with  
2 the principle stated in paragraph (1); and

3 (3) Federal reimbursement for expenditures on  
4 medical assistance, child health assistance, or preg-  
5 nancy-related assistance made available through the  
6 amendments made by this Act should not supplant  
7 an investment in community-based services.

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