

114TH CONGRESS
2D SESSION

S. 2874

To amend title XIX of the Social Security Act to protect the enrollment of incarcerated youth for medical assistance under the Medicaid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mr. MURPHY (for himself and Mr. BOOKER) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to protect the enrollment of incarcerated youth for medical assistance under the Medicaid program, 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 “At-Risk Youth Med-
5 icaid Protection Act of 2016”.

6 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

7 (a) IN GENERAL.—Section 1902 of the Social Secu-
8 rity Act (42 U.S.C. 1396a) is amended—

1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-
3 graph (80);

4 (B) by striking the period at the end of
5 paragraph (81) and inserting “; and”; and

6 (C) by inserting after paragraph (81) the
7 following new paragraph:

8 “(82) provide that—

9 “(A) the State shall not terminate enroll-
10 ment under a State plan for medical assistance
11 for an individual who is an eligible juvenile (as
12 defined in subsection (11)(2)) because the juve-
13 nile is an inmate of a public institution (as de-
14 fined in subsection (11)(3)), but may suspend
15 such enrollment during the period that the juve-
16 nile is such an inmate;

17 “(B) the State shall restore enrollment for
18 such medical assistance to such an individual
19 upon the individual’s release from any such
20 public institution without requiring the indi-
21 vidual to make a new application for medical
22 assistance or take any other action, and shall
23 take all necessary steps to ensure the enroll-
24 ment is effective immediately upon release from
25 such institution, unless (and until such date as)

1 there is a determination that the individual no
2 longer meets the eligibility requirements for
3 such medical assistance; and

4 “(C) the State shall process any applica-
5 tion for medical assistance submitted by, or on
6 behalf of, a juvenile who is an inmate of a pub-
7 lic institution notwithstanding that the juvenile
8 is such an inmate.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(11) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTI-
12 TUTION.—For purposes of subsection (a)(82) and this
13 subsection:

14 “(1) JUVENILE.—The term ‘juvenile’ means an
15 individual who is—

16 “(A) under 21 years of age; or

17 “(B) is described in subsection
18 (a)(10)(A)(i)(IX).

19 “(2) ELIGIBLE JUVENILE.—The term ‘eligible
20 juvenile’ means a juvenile who is an inmate of a
21 public institution and was enrolled for medical as-
22 sistance under the State plan immediately before be-
23 coming an inmate of such a public institution or who
24 becomes eligible to enroll for such medical assistance
25 while an inmate of a public institution.

1 “(3) INMATE OF A PUBLIC INSTITUTION.—The
2 term ‘inmate of a public institution’ has the meaning
3 given such term for purposes of applying the sub-
4 division (A) following paragraph (29) of section
5 1905(a), taking into account the exception in such
6 subdivision for a patient of a medical institution.”.

7 (b) NO CHANGE IN EXCLUSION FROM MEDICAL AS-
8 SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—
9 Nothing in this section shall be construed as changing the
10 exclusion from medical assistance under the subdivision
11 (A) following paragraph (29) of section 1905(a) of the So-
12 cial Security Act (42 U.S.C. 1396d(a)), including any ap-
13 plicable restrictions on a State submitting claims for Fed-
14 eral financial participation under title XIX of such Act
15 for such assistance.

16 (c) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the amendments made by subsection (a)
19 shall apply to eligibility and enrollment of juveniles
20 who become inmates of public institutions on or
21 after the date that is 1 year after the date of the
22 enactment of this Act.

23 (2) RULE FOR CHANGES REQUIRING STATE
24 LEGISLATION.—In the case of a State plan for med-
25 ical assistance under title XIX of the Social Security

1 Act which the Secretary of Health and Human Serv-
2 ices determines requires State legislation (other than
3 legislation appropriating funds) in order for the plan
4 to meet the additional requirements imposed by the
5 amendments made by subsection (a), the State plan
6 shall not be regarded as failing to comply with the
7 requirements of such title solely on the basis of its
8 failure to meet these additional requirements before
9 the first day of the first calendar quarter beginning
10 after the close of the first regular session of the
11 State legislature that begins after the date of the en-
12 actment of this Act. For purposes of the previous
13 sentence, in the case of a State that has a 2-year
14 legislative session, each year of such session shall be
15 deemed to be a separate regular session of the State
16 legislature.

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