

117TH CONGRESS
1ST SESSION

S. 2413

To amend title XIX of the Social Security Act to expand the requirement for States to suspend, rather than terminate, an individual’s eligibility for medical assistance under the State Medicaid plan while the individual is an inmate of a public institution, to apply to inmates of any age.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2021

Mr. MARKEY (for himself and Mr. BROWN) 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 expand the requirement for States to suspend, rather than terminate, an individual’s eligibility for medical assistance under the State Medicaid plan while the individual is an inmate of a public institution, to apply to inmates of any age.

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 “Supporting Positive
5 Outcomes After Release Act”.

1 **SEC. 2. SUSPENSION OF MEDICAID BENEFITS FOR INMATES**
2 **OF PUBLIC INSTITUTIONS.**

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

5 (1) in subsection (a)(84)—

6 (A) in subparagraph (A), by striking “indi-
7 vidual who is an eligible juvenile” and all that
8 follows through “inmate;” and inserting “eligi-
9 ble individual (as defined in subsection (nn)(1))
10 because the individual is an inmate of a public
11 institution (as defined in subsection (nn)(2)),
12 but may suspend coverage during the period the
13 individual is such an inmate;”;

14 (B) in subparagraph (B), by striking “in-
15 dividual who is an eligible juvenile described in
16 paragraph (2)(A)” and inserting “eligible indi-
17 vidual who is described in paragraph (1)(A)”;
18 and

19 (C) in subparagraph (C), by striking “indi-
20 vidual who is an eligible juvenile described in
21 paragraph (2)(B)” and inserting “eligible indi-
22 vidual who is described in paragraph (1)(B)”;
23 and

24 (2) by amending subsection (nn) to read as fol-
25 lows:

1 “(nn) ELIGIBLE INDIVIDUAL; PUBLIC INSTITU-
 2 TION.—For purposes of subsection (a)(84) and this sub-
 3 section:

4 “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible
 5 individual’ means an individual who is an inmate of
 6 a public institution and who—

7 “(A) was determined eligible for medical
 8 assistance under the State plan immediately be-
 9 fore becoming an inmate of such a public insti-
 10 tution; or

11 “(B) is determined eligible for such med-
 12 ical assistance while an inmate of a public insti-
 13 tution.

14 “(2) INMATE OF A PUBLIC INSTITUTION.—The
 15 term ‘inmate of a public institution’ has the meaning
 16 given such term for purposes of applying the sub-
 17 division (A) following paragraph (31) of section
 18 1905(a), taking into account the exception in such
 19 subdivision for a patient of a medical institution.”.

20 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
 21 ments made by subsection (a) shall take effect as if in-
 22 cluded in the enactment of section 1001 of the SUPPORT
 23 for Patients and Communities Act (Public Law 115–271).

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