

117TH CONGRESS  
1ST SESSION

# S. 3050

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. MARKEY (for himself, Mr. MERKLEY, Mr. BROWN, Mr. DURBIN, Mr. BOOKER, Mr. PADILLA, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

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 “Equity in Pretrial  
5 Health Coverage Act”.

1 **SEC. 2. REMOVAL OF INMATE LIMITATION ON BENEFITS**  
2 **UNDER MEDICAID, MEDICARE, CHIP, AND**  
3 **THE DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) **MEDICAID.**—The subdivision (A) of section  
5 1905(a) of the Social Security Act (42 U.S.C. 1396d(a))  
6 that follows paragraph (31) is amended by inserting “or  
7 in custody pending disposition of charges” after “patient  
8 in a medical institution”.

9 (b) **MEDICARE.**—Section 1862(a)(3) of the Social Se-  
10 curity Act (42 U.S.C. 1395y(a)(3)) is amended by insert-  
11 ing “in the case of services furnished to individuals who  
12 are in custody pending disposition of charges,” after  
13 “1880(e),”.

14 (c) **CHIP.**—Section 2110(b)(2)(A) of the Social Se-  
15 curity Act (42 U.S.C. 1397jj(b)(2)(A)) is amended by in-  
16 serting “(except as an individual in custody pending dis-  
17 position of charges)” after “inmate of a public institu-  
18 tion”.

19 (d) **MODIFICATION OF INMATE LIMITATION ON**  
20 **HEALTH CARE BENEFITS FROM DEPARTMENT OF VET-**  
21 **ERANS AFFAIRS.**—The Secretary of Veterans Affairs shall  
22 modify section 17.38(c)(5) of title 38, Code of Federal  
23 Regulations, or successor regulations, to ensure that the  
24 exclusion of veterans who are inmates from eligibility for  
25 health care from the Department of Veterans Affairs

1 under such section does not apply to veterans who are in  
2 custody pending disposition of charges.

3 (e) EFFECTIVE DATES.—

4 (1) IN GENERAL.—The amendments made by  
5 subsections (a), (b), and (c) shall take effect on the  
6 1st day of the 1st calendar quarter that begins more  
7 than 60 days after the date of enactment of this Act  
8 and shall apply to items and services furnished for  
9 periods beginning on or after such date.

10 (2) DEPARTMENT OF VETERANS AFFAIRS.—  
11 Subsection (d) shall take effect on the date of enact-  
12 ment of this Act.

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