

118TH CONGRESS
2D SESSION

S. 5248

To require hospitals participating in Medicaid or the Children’s Health Insurance Program to inquire whether a patient is a citizen or national of the United States, or in a satisfactory immigration status, as part of the patient admission and registration process, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. LEE (for himself, Mr. SCHMITT, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require hospitals participating in Medicaid or the Children’s Health Insurance Program to inquire whether a patient is a citizen or national of the United States, or in a satisfactory immigration status, as part of the patient admission and registration process, 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 “Citizenship
5 Verification in Emergency Healthcare Act”.

1 **SEC. 2. REQUIRING HOSPITALS TO INQUIRE WHETHER A**
2 **PATIENT IS A CITIZEN OR NATIONAL OF THE**
3 **UNITED STATES, OR IN A SATISFACTORY IM-**
4 **MIGRATION STATUS, AS A CONDITION FOR**
5 **PARTICIPATION IN MEDICAID AND THE CHIL-**
6 **DREN’S HEALTH INSURANCE PROGRAM.**

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

9 (1) by redesignating paragraph (9) as para-
10 graph (10); and

11 (2) by inserting after paragraph (8), the fol-
12 lowing new paragraph:

13 “(9) REQUIREMENT FOR HOSPITALS.—

14 “(A) IN GENERAL.—The State requires as
15 a condition for a hospital to be enrolled under
16 the State plan or under a waiver of the plan as
17 a participating provider that the hospital agree
18 to—

19 “(i) as part of the hospital’s patient
20 admission and registration process—

21 “(I) include on the hospital’s pa-
22 tient admission and registration
23 forms, a written provision requiring a
24 patient or the patient’s representative
25 to state or indicate whether the pa-
26 tient is a citizen or national of the

1 United States, and, if that individual
2 is not a citizen or national of the
3 United States, whether the individual
4 is in a satisfactory immigration sta-
5 tus; and

6 “(II) provide the patient or the
7 patient’s representative with a written
8 statement that the response to the
9 provision required by clause (i) shall
10 not affect patient care or result in a
11 report of the patient’s immigration
12 status to immigration authorities; and

13 “(ii) annually report to the Sec-
14 retary—

15 “(I) the total dollar amount of
16 uncompensated care furnished by the
17 hospital to—

18 “(aa) all individuals who are
19 not citizens or nationals of the
20 United States; and

21 “(bb) all individuals de-
22 scribed in item (aa) who are not
23 lawfully residing in the United
24 States; and

1 “(II) the total amount of funds
2 received by the hospital under the
3 State plan or under a waiver of such
4 plan for providing medical assistance
5 for—

6 “(aa) the delivery of a child
7 whose parents are not citizens or
8 nationals of the United States
9 but are lawfully residing in the
10 United States; and

11 “(bb) the emergency delivery
12 of a child whose parents are not
13 lawfully residing in the United
14 States pursuant to section
15 1903(v).

16 “(B) REPORT TO CONGRESS.—The Sec-
17 retary annually shall submit a report to Con-
18 gress that includes the most recent information
19 reported to the Secretary by hospitals under
20 subparagraph (A)(ii).”.

21 (b) LIMITATION ON FEDERAL FINANCIAL PARTICI-
22 PATION.—Paragraph (2) of the first sentence of section
23 1903(i) of the Social Security Act (42 U.S.C. 1396b(i))
24 is amended—

1 (1) in subparagraph (D), by striking “or” after
2 the semicolon; and

3 (2) by inserting after subparagraph (E) the fol-
4 lowing new subparagraph:

5 “(F) with respect to any amount expended
6 for such an item or service furnished during
7 calendar quarters beginning on or after the
8 date of enactment of this subparagraph, by a
9 hospital that does not comply with the partici-
10 pating provider conditions required by section
11 1902(kk)(9)(A); or”.

12 (c) RULE OF CONSTRUCTION.—Nothing in this Act
13 or the amendments made by this Act shall be construed
14 as preventing a hospital or hospital employee from report-
15 ing any patient to law enforcement, regardless of citizen-
16 ship or immigration status, for any suspected criminal ac-
17 tivity or waiving the hospital’s or hospital employee’s duty
18 to report under Federal or State law.

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