

107TH CONGRESS
1ST SESSION

H. R. 2256

To amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the Secretary of Health and Human Services for the costs associated with providing emergency medical care to aliens who are not lawfully present in the United States and are not detained by any law enforcement authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2001

Mr. KOLBE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the Secretary of Health and Human Services for the costs associated with providing emergency medical care to aliens who are not lawfully present in the United States and are not detained by any law enforcement authority, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Hospital Sur-
3 vival and Illegal Immigrant Care Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds as follows:

6 (1) Immigration is a Federal responsibility.

7 (2) The Immigration and Naturalization Serv-
8 ice does not take into custody all aliens who are un-
9 lawfully present in the United States.

10 (3) Section 1867 of the Social Security Act (42
11 U.S.C. 1395dd) and State laws require that, if any
12 individual (whether or not lawfully present in the
13 United States) comes to a hospital and the hospital
14 determines that the individual has an emergency
15 medical condition, the hospital must provide either,
16 within the staff and facilities available at the hos-
17 pital, for such further medical examination and such
18 treatment as may be required to stabilize the med-
19 ical condition, or, if appropriate, for transfer of the
20 individual to another medical facility.

21 (4) The Southwest border region is ill-equipped
22 to absorb the expense of providing health care to un-
23 documented aliens because it ranks last in the coun-
24 try in terms of per capita income.

25 (5) The Southwest border region has been des-
26 igned as a health professional shortage area under

1 section 332 of the Public Health Service Act (42
2 U.S.C. 254e).

3 (6) The unreimbursed costs associated with car-
4 ing for undocumented aliens are severely threatening
5 the financial stability of health care providers in Ari-
6 zona.

7 **SEC. 3. REIMBURSEMENT TO HEALTH CARE PROVIDERS**
8 **FOR EMERGENCY MEDICAL CARE RENDERED**
9 **TO CERTAIN ALIENS.**

10 Section 322 of the Public Health Service Act (42
11 U.S.C. 249) is amended by adding at the end the fol-
12 lowing:

13 “(d)(1) The Secretary shall establish and implement
14 a 5-year pilot program under which funds made available
15 under paragraph (6) are used to reimburse providers for
16 items and services described in section 411(b)(1) of the
17 Personal Responsibility and Work Opportunity Reconcili-
18 ation Act of 1996 (8 U.S.C. 1621(b)(1)) provided in Ari-
19 zona to aliens described in paragraph (3), and to reim-
20 burse suppliers of emergency ambulance services furnished
21 to such aliens for which the transportation originates in
22 Arizona (where the use of other methods of transportation
23 is contraindicated by the alien’s condition), if payment
24 may not be made to reimburse the provider or supplier
25 under any Federal program or law other than this sub-

1 section (such as title XIX of the Social Security Act), any
2 State or local program or law, any group or individual
3 health plan, or any insurance policy.

4 “(2) As part of the pilot program, in a case in which
5 an alien described in paragraph (3) arrived at a hospital
6 in Arizona and the hospital provided for such medical ex-
7 amination and treatment of the alien as the hospital deter-
8 mined was required to stabilize an emergency medical con-
9 dition (within the meaning of section 1867(e)(1) of the
10 Social Security Act (42 U.S.C. 1395dd(e)(1))), the Sec-
11 retary shall use funds made available under paragraph (6)
12 to reimburse the hospital for any transportation costs paid
13 by the hospital to return the alien to the United States
14 border, if—

15 “(A) the hospital requested the Attorney Gen-
16 eral to take the alien into custody after such sta-
17 bilization;

18 “(B) such request was denied within 24 hours
19 after its receipt, or the Attorney General gave no re-
20 sponse to it within such period; and

21 “(C) the hospital determined that discharging
22 the alien without providing for such transportation
23 might pose a threat to the health or safety of the
24 alien (or, with respect to a pregnant alien, the health
25 or safety of the alien or her unborn child).

1 “(3) An alien is described in this paragraph if the
2 alien—

3 “(A) is not lawfully present in the United
4 States and not detained by any Federal, State, or
5 local law enforcement authority; or

6 “(B) is paroled into the United States under
7 section 212(d)(5) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1182(d)(5)) for less than one
9 year in order to receive treatment for an emergency
10 medical condition.

11 “(4) During the period in which the pilot program
12 is operating, the Secretary shall submit annual reports to
13 the Congress on its operation. Each report shall contain
14 at least the following information:

15 “(A) The number of aliens to whom assistance
16 was rendered for which payment was made under
17 this subsection during the previous year.

18 “(B) The nationality of such aliens.

19 “(C) The average cost per alien of such assist-
20 ance.

21 “(D) The total annual amount paid to each
22 provider or supplier of assistance.

23 “(E) The feasibility and estimated cost of ex-
24 panding the pilot program to items and services pro-

1 vided anywhere in the Southwest border region of
2 the United States.

3 “(5) Nothing in this subsection shall be construed to
4 authorize any reduction in the funds payable to any person
5 under any Federal program or law other than this sub-
6 section (such as title XIX of the Social Security Act), any
7 State or local program or law, any group or individual
8 health plan, or any insurance policy.

9 “(6) To the extent provided in appropriations Acts,
10 from amounts made available to the Immigration and Nat-
11 uralization Service for enforcement and border affairs for
12 each of the 5 fiscal years following the fiscal year in which
13 the Border Hospital Survival and Illegal Immigrant Care
14 Act is enacted, the Attorney General may transfer to the
15 Health Resources and Services Administration of the De-
16 partment of Health and Human Services such amounts
17 as may be necessary to carry out this subsection, not to
18 exceed \$50,000,000 for each such year.”.

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