

108TH CONGRESS  
1ST SESSION

# H. R. 1515

To provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2003

Mr. FLAKE introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons.

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. FINDINGS; SENSE OF CONGRESS.**

4       (a) FINDINGS.—Congress finds the following:

5               (1) The Secretary of Homeland Security has  
6       the authority to allow temporary entry of an alien on  
7       a case-by-case basis even though the alien is other-  
8       wise inadmissible for urgent humanitarian reasons.

9               (2) While some of these parolees enter the  
10      United States for reasons unrelated to health care or

1 medical emergencies, many enter the United States  
2 for medical treatment.

3 (3) Many of the patients crossing the border for  
4 medical treatment are many times more expensive to  
5 treat than the average patient, and they place a  
6 great financial burden on border hospitals across the  
7 country, many of which are struggling to survive and  
8 face financial insolvency.

9 (b) SENSE OF CONGRESS.—It is the sense of the  
10 Congress that it is within the responsibility of the Sec-  
11 retary of Homeland Security and the Under Secretary for  
12 Border and Transportation Security to track medical pa-  
13 rolees entering the United States for specified humani-  
14 tarian reasons, and to ensure that these individuals depart  
15 the United States once the purpose of their trip has been  
16 realized.

17 **SEC. 2. PROVIDING REIMBURSEMENT FOR EMERGENCY**  
18 **MEDICAL CARE FOR ALIENS PAROLED INTO**  
19 **THE UNITED STATES FOR MEDICAL REASONS.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-  
21 rity shall provide for a program that reimburses hospitals  
22 and other providers of emergency medical care (including  
23 physicians and entities providing emergency ambulance  
24 services) for their reasonable cost of providing emergency  
25 medical care to aliens who are paroled into the United

1 States under section 212(d)(5) of the Immigration and  
2 Nationality Act (8 U.S.C. 1182(d)(5)) for medical rea-  
3 sons.

4 (b) CONDITIONAL PAYMENT.—Any such payment to  
5 a hospital or other provider for services under subsection  
6 (a) shall be conditioned upon reimbursement to the Sec-  
7 retary by the hospital or provider of any payments made  
8 for such services through insurance or any other Federal  
9 program (including payments made under title XIX of the  
10 Social Security Act for the provision of emergency medical  
11 services described in section 1903(v)(2)(A) of such Act  
12 (42 U.S.C. 1396b(v)(2)(A)) or from recovery from the  
13 alien or any other person, but only to the extent of the  
14 payment under such subsection.

15 (c) COVERAGE OF EMTALA SERVICES.—Reimburse-  
16 ment under this section for a hospital shall be limited to  
17 those services required as part of a medical examination  
18 and treatment to stabilize an emergency medical condition  
19 (within the meaning of section 1867(e)(1) of the Social  
20 Security Act (42 U.S.C. 1395dd(e)(1))).

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated for each fiscal year (be-  
23 ginning with fiscal year 2004) such sums as may be nec-  
24 essary to carry out this section.

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