

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7233  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keeping Incarceration  
3 Discharges Streamlined for Children and Accommodating  
4 Resources in Education Act” or the “KIDS CARES Act”.

**5 SEC. 2. MEDICAID AND CHIP REQUIREMENTS FOR HEALTH  
6 SCREENINGS AND REFERRALS FOR ELIGIBLE  
7 JUVENILES IN PUBLIC INSTITUTIONS.**

8 (a) MEDICAID STATE PLAN REQUIREMENT.—Section  
9 1902(a)(84) of the Social Security Act (42 U.S.C.  
10 1936a(a)(84)) is amended—

11 (1) in subparagraph (B), by striking “and” at  
12 the end;

13 (2) in subparagraph (C), by adding “and” at  
14 the end; and

15 (3) by adding at the end the following new sub-  
16 paragraph:

17 “(D) beginning October 1, 2023, in the  
18 case of individuals who are eligible juveniles de-

1           scribed in subsection (m)(2), are scheduled to  
2           be released from placement in a public institu-  
3           tion following adjudication, and who the State  
4           determines pursuant to subparagraph (B) or  
5           (C), as applicable, meet the eligibility require-  
6           ments for medical assistance under the State  
7           plan—

8                   “(i) the State shall have in place a  
9                   plan to ensure and, in accordance with  
10                  such plan, provide—

11                           “(I) for, prior to release of such  
12                           an eligible juvenile from such public  
13                           institution (or not later than one week  
14                           after release from the public institu-  
15                           tion), and in coordination with such  
16                           institution, screenings of such eligible  
17                           individual, including the screenings  
18                           described under section 1905(r);

19                           “(II) for, not later than the lat-  
20                           ter of the date on which such eligible  
21                           juvenile is released from such institu-  
22                           tion, or the date on which the  
23                           screenings pursuant to subclause (I)  
24                           for such individual are completed, re-  
25                           ferrals for such eligible individual to

1 the appropriate health care services in  
2 the geographic region of the home or  
3 residence of such eligible juvenile,  
4 based on such screenings; and

5 “(III) for, following the release of  
6 such eligible juvenile from such insti-  
7 tution, and the completion of the  
8 screenings conducted pursuant to sub-  
9 clause (I), not less than 30 days of  
10 case management services furnished  
11 by a community-based provider in the  
12 geographic region of the home or resi-  
13 dence of such eligible juvenile, to co-  
14 ordinate referrals made pursuant to  
15 subclause (II); and

16 “(ii) at the option of the State, make  
17 medical assistance available under the  
18 State plan for screenings and case man-  
19 agement or referrals pursuant to clause (i),  
20 conducted prior to the release of such eligi-  
21 ble juvenile from such public institution;”.

22 (b) CHIP REQUIREMENT.—Section 2107(e)(1) of the  
23 Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended  
24 by adding at the end the following new subparagraph:

1           “(U) Section 1902(a)(84)(D) (relating to  
2           eligible juveniles scheduled to be released from  
3           placement in a public institution following adju-  
4           dication).”.

5 **SEC. 3. GUIDANCE ON REDUCING ADMINISTRATIVE BAR-**  
6           **RIERS TO PROVIDING HEALTH CARE SERV-**  
7           **ICES IN SCHOOLS.**

8           (a) IN GENERAL.—Not later than 180 days after the  
9           date of enactment of this Act, the Secretary of Health and  
10          Human Services shall issue proposed guidance to State  
11          Medicaid agencies, elementary and secondary schools, and  
12          school-based health centers on reducing administrative  
13          barriers to such schools and centers furnishing specified  
14          health services and obtaining reimbursement for such  
15          services under titles XIX and XXI of the Social Security  
16          Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

17          (b) CONTENTS OF GUIDANCE.—The guidance issued  
18          pursuant to subsection (a) shall—

19                 (1) include proposed revisions to the May 2003  
20          Medicaid School-Based Administrative Claiming  
21          Guide, the 1997 Medicaid and Schools Technical As-  
22          sistance Guide, and other guidance in effect on the  
23          date of enactment of this Act;

24                 (2) provide information on reimbursement  
25          under titles XIX and XXI of the Social Security Act

1 (42 U.S.C. 1396 et seq., 1397aa et seq.) for the pro-  
2 vision of specified health services, including such  
3 services provided in accordance with an individual-  
4 ized education program or under the “free care” pol-  
5 icy described in the State Medicaid Director letter  
6 on payment for services issued on December 15,  
7 2014 (#14-006);

8 (3) take into account reasons why small and  
9 rural local education agencies may not provide speci-  
10 fied health services, and consider approaches to en-  
11 courage such agencies to provide such services; and

12 (4) include best practices and examples of  
13 methods that State Medicaid agencies and local edu-  
14 cation agencies have used to reimburse for, and in-  
15 crease the availability of, specified health services.

16 (c) DEFINITIONS.—In this Act:

17 (1) INDIVIDUALIZED EDUCATION PROGRAM.—  
18 The term “individualized education program” has  
19 the meaning given such term in section 602(14) of  
20 the Individuals with Disabilities Education Act (20  
21 U.S.C. 1401(14)).

22 (2) SCHOOL-BASED HEALTH CENTER.—The  
23 term “school-based health center” has the meaning  
24 given such term in section 2110(c)(9) of the Social  
25 Security Act (42 U.S.C. 1397jj(c)(9)).

1           (3) SPECIFIED HEALTH SERVICES.—The term  
2           “specified health services” means health services (in-  
3           cluding mental health services) for which medical as-  
4           sistance may be provided under a State plan (or  
5           waiver of such plan) under title XIX of the Social  
6           Security Act (42 U.S.C. 1396 et seq.) or a State  
7           child health plan (or waiver of such plan) under title  
8           XXI of such Act (42 U.S.C. 1397aa et seq.).

