

# United States Senate

WASHINGTON, DC 20510

September 27, 2023

The Honorable Carole Johnson  
Administrator  
Health Resources and Services Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

Dear Administrator Johnson:

We write to urge the Health Resources and Services Administration (HRSA) to explore all available flexibilities to enable certain large county correctional facilities to participate as eligible service sites for the National Health Service Corps (NHSC).

In many large metropolitan areas, county jails are the primary correctional facilities—often larger than state-run facilities that are eligible under the NHSC. The large county-run correctional facilities in major metropolitan areas also can be the largest health providers in a region. For example, the Cook County Jail is one of the largest mental health providers in the country, and Maricopa County Correctional Health processes more than 100,000 patients each year through initial intake, with an average daily intake volume of more than 275 patients.

Health care services provided in jails are essential. Studies show that the risk of overdose shortly after release from incarceration is at least 10 times greater than the overdose risk to the general population. In 2019, the hepatitis C-related death rate for incarcerated individuals was more than double the rate of the overall population. The COVID-19 pandemic has also further demonstrated the acute risk of infectious disease transmission in jails.

Given the unique circumstances and challenges associated with providing health care in a correctional facility, county-run jails face significant barriers to recruitment of qualified health professionals. While federal and state correctional facilities are eligible for the scholarship and loan repayment incentives afforded by the NHSC, a 1989 federal regulation narrowed eligibility to exclude county jails. In that rule, HRSA acknowledges a comment indicating that facilities serving major metropolitan areas often operate in lieu of state facilities, to which HRSA replied, “The Department recognizes this problem and will consider case-by-case exceptions for large correctional facilities in major metropolitan areas.”

It is our understanding that for certain counties meeting that standard, such as Cook County, Illinois, and Maricopa County, Arizona, HRSA has not afforded such flexibility. While Section 332 of the Public Health Service Act enumerates state and federal correctional institutions as eligible, the language in (a)(2) uses “includes” and does not necessarily read as an exhaustive list of eligible sites. We understand that the underlying premise of the NHSC is to serve as a health home for patients. We also recognize that there are consistent challenges in funding all qualified NHSC applicants, making efforts to expand the universe of eligible sites a zero-sum competition.

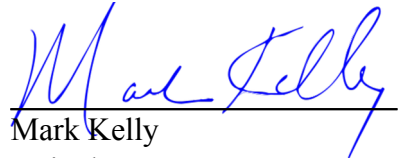
However, Congress has made historic recent investments in the NHSC's funding levels and is poised to do so again with the upcoming reauthorization of the NHSC's mandatory funding stream. Given this new funding and the unique circumstances at such large county jails, we urge HRSA's flexibility in considering eligibility for these county-run correctional facilities.

Sincerely,



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Richard J. Durbin  
United States Senator



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Mark Kelly  
United States Senator