

116TH CONGRESS
1ST SESSION

H. R. 259

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2019

Received

AN ACT

To extend the Medicaid Money Follows the Person Rebalancing demonstration, to extend protection for Medicaid recipients of home and community-based services against spousal impoverishment, 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 “Medicaid Extenders
3 Act of 2019”.

4 **SEC. 2. EXTENSION OF MONEY FOLLOWS THE PERSON RE-**
5 **BALANCING DEMONSTRATION.**

6 (a) **GENERAL FUNDING.**—Section 6071(h) of the
7 Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (D), by striking
11 “and” after the semicolon;

12 (B) in subparagraph (E), by striking the
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(F) subject to paragraph (3),
16 \$112,000,000 for fiscal year 2019.”;

17 (2) in paragraph (2)—

18 (A) by striking “Amounts made” and in-
19 serting “Subject to paragraph (3), amounts
20 made”; and

21 (B) by striking “September 30, 2016” and
22 inserting “September 30, 2021”; and

23 (3) by adding at the end the following new
24 paragraph:

25 “(3) **SPECIAL RULE FOR FY 2019.**—Funds ap-
26 propriated under paragraph (1)(F) shall be made

1 available for grants to States only if such States
2 have an approved MFP demonstration project under
3 this section as of December 31, 2018.”.

4 (b) FUNDING FOR QUALITY ASSURANCE AND IM-
5 PROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—
6 Section 6071(f) of the Deficit Reduction Act of 2005 (42
7 U.S.C. 1396a note) is amended by striking paragraph (2)
8 and inserting the following:

9 “(2) FUNDING.—From the amounts appro-
10 priated under subsection (h)(1)(F) for fiscal year
11 2019, \$500,000 shall be available to the Secretary
12 for such fiscal year to carry out this subsection.”.

13 (c) TECHNICAL AMENDMENT.—Section 6071(b) of
14 the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)
15 is amended by adding at the end the following:

16 “(10) SECRETARY.—The term ‘Secretary’
17 means the Secretary of Health and Human Serv-
18 ices.”.

19 **SEC. 3. EXTENSION OF PROTECTION FOR MEDICAID RE-**
20 **CIPIENTS OF HOME AND COMMUNITY-BASED**
21 **SERVICES AGAINST SPOUSAL IMPOVERISH-**
22 **MENT.**

23 (a) IN GENERAL.—Section 2404 of Public Law 111-
24 148 (42 U.S.C. 1396r-5 note) is amended by striking “the
25 5-year period that begins on January 1, 2014,” and in-

1 serring “the period beginning on January 1, 2014, and
2 ending on March 31, 2019,”.

3 (b) RULE OF CONSTRUCTION.—

4 (1) PROTECTING STATE SPOUSAL INCOME AND
5 ASSET DISREGARD FLEXIBILITY UNDER WAIVERS
6 AND PLAN AMENDMENTS.—Nothing in section 2404
7 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or
8 section 1924 of the Social Security Act (42 U.S.C.
9 1396r–5) shall be construed as prohibiting a State
10 from disregarding an individual’s spousal income
11 and assets under a State waiver or plan amendment
12 described in paragraph (2) for purposes of making
13 determinations of eligibility for home and commu-
14 nity-based services or home and community-based
15 attendant services and supports under such waiver
16 or plan amendment.

17 (2) STATE WAIVER OR PLAN AMENDMENT DE-
18 SCRIBED.—A State waiver or plan amendment de-
19 scribed in this paragraph is any of the following:

20 (A) A waiver or plan amendment to pro-
21 vide medical assistance for home and commu-
22 nity-based services under a waiver or plan
23 amendment under subsection (c), (d), or (i) of
24 section 1915 of the Social Security Act (42

1 U.S.C. 1396n) or under section 1115 of such
2 Act (42 U.S.C. 1315).

3 (B) A plan amendment to provide medical
4 assistance for home and community-based serv-
5 ices for individuals by reason of being deter-
6 mined eligible under section 1902(a)(10)(C) of
7 such Act (42 U.S.C. 1396a(a)(10)(C)) or by
8 reason of section 1902(f) of such Act (42
9 U.S.C. 1396a(f)) or otherwise on the basis of a
10 reduction of income based on costs incurred for
11 medical or other remedial care under which the
12 State disregarded the income and assets of the
13 individual's spouse in determining the initial
14 and ongoing financial eligibility of an individual
15 for such services in place of the spousal impov-
16 erishment provisions applied under section 1924
17 of such Act (42 U.S.C. 1396r-5).

18 (C) A plan amendment to provide medical
19 assistance for home and community-based at-
20 tendant services and supports under section
21 1915(k) of such Act (42 U.S.C. 1396n(k)).

1 **SEC. 4. REDUCTION IN FMAP AFTER 2020 FOR STATES**
2 **WITHOUT ASSET VERIFICATION PROGRAM.**

3 Section 1940 of the Social Security Act (42 U.S.C.
4 1396w) is amended by adding at the end the following
5 new subsection:

6 “(k) REDUCTION IN FMAP AFTER 2020 FOR NON-
7 COMPLIANT STATES.—

8 “(1) IN GENERAL.—With respect to a calendar
9 quarter beginning on or after January 1, 2021, the
10 Federal medical assistance percentage otherwise de-
11 termined under section 1905(b) for a non-compliant
12 State shall be reduced—

13 “(A) for calendar quarters in 2021 and
14 2022, by 0.12 percentage points;

15 “(B) for calendar quarters in 2023, by
16 0.25 percentage points;

17 “(C) for calendar quarters in 2024, by
18 0.35 percentage points; and

19 “(D) for calendar quarters in 2025 and
20 each year thereafter, by 0.5 percentage points.

21 “(2) NON-COMPLIANT STATE DEFINED.—For
22 purposes of this subsection, the term ‘non-compliant
23 State’ means a State—

24 “(A) that is one of the 50 States or the
25 District of Columbia;

1 “(B) with respect to which the Secretary
2 has not approved a State plan amendment sub-
3 mitted under subsection (a)(2); and

4 “(C) that is not operating, on an ongoing
5 basis, an asset verification program in accord-
6 ance with this section.”.

7 **SEC. 5. MEDICAID IMPROVEMENT FUND.**

8 Section 1941(b)(1) of the Social Security Act (42
9 U.S.C. 1396w-1(b)(1)) is amended by striking
10 “\$31,000,000” and inserting “\$6,000,000”.

 Passed the House of Representatives January 8,
2019.

Attest:

KAREN L. HAAS,
Clerk.