

Union Calendar No. 572

115TH CONGRESS
2D SESSION

H. R. 1925

[Report No. 115–738]

To amend title XIX of the Social Security Act to protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. CÁRDENAS (for himself and Mr. GRIFFITH) introduced the following bill;
which was referred to the Committee on Energy and Commerce

JUNE 12, 2018

Additional sponsor: Mr. WALDEN

JUNE 12, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 5, 2017]

A BILL

To amend title XIX of the Social Security Act to protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

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. SHORT TITLE.**

4 *This Act may be cited as the “At-Risk Youth Medicaid*
 5 *Protection Act of 2018”.*

6 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

7 *(a) IN GENERAL.—Section 1902 of the Social Security*
 8 *Act (42 U.S.C. 1396a) is amended—*

9 *(1) in subsection (a)—*

10 *(A) by striking “and” at the end of para-*
 11 *graph (82);*

12 *(B) by striking the period at the end of*
 13 *paragraph (83) and inserting “; and”; and*

14 *(C) by inserting after paragraph (83) the*
 15 *following new paragraph:*

16 *“(84) provide that—*

17 *“(A) the State shall not terminate eligibility*
 18 *for medical assistance under the State plan for*
 19 *an individual who is an eligible juvenile (as de-*
 20 *finied in subsection (nn)(2)) because the juvenile*
 21 *is an inmate of a public institution (as defined*
 22 *in subsection (nn)(3)), but may suspend coverage*
 23 *during the period the juvenile is such an inmate;*

24 *“(B) in the case of an individual who is an*
 25 *eligible juvenile described in paragraph (2)(A) of*

1 *subsection (nn), the State shall, prior to the indi-*
2 *vidual's release from such a public institution,*
3 *conduct a redetermination of eligibility for such*
4 *individual with respect to such medical assist-*
5 *ance (without requiring a new application from*
6 *the individual) and, if the State determines pur-*
7 *suant to such redetermination that the indi-*
8 *vidual continues to meet the eligibility require-*
9 *ments for such medical assistance, the State shall*
10 *restore coverage for such medical assistance to*
11 *such an individual upon the individual's release*
12 *from such public institution; and*

13 *“(C) in the case of an individual who is an*
14 *eligible juvenile described in paragraph (2)(B) of*
15 *subsection (nn), the State shall process any ap-*
16 *plication for medical assistance submitted by, or*
17 *on behalf of, such individual such that the State*
18 *makes a determination of eligibility for such in-*
19 *dividual with respect to such medical assistance*
20 *upon release of such individual from such public*
21 *institution.”; and*

22 *(2) by adding at the end the following new sub-*
23 *section:*

1 “(nn) *JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTI-*
 2 *TUTION.—For purposes of subsection (a)(84) and this sub-*
 3 *section:*

4 “(1) *JUVENILE.—The term ‘juvenile’ means an*
 5 *individual who is—*

6 “(A) *under 21 years of age; or*

7 “(B) *described in subsection*
 8 *(a)(10)(A)(i)(IX).*

9 “(2) *ELIGIBLE JUVENILE.—The term ‘eligible ju-*
 10 *venile’ means a juvenile who is an inmate of a public*
 11 *institution and who—*

12 “(A) *was determined eligible for medical as-*
 13 *sistance under the State plan immediately before*
 14 *becoming an inmate of such a public institution;*
 15 *or*

16 “(B) *is determined eligible for such medical*
 17 *assistance while an inmate of a public institu-*
 18 *tion.*

19 “(3) *INMATE OF A PUBLIC INSTITUTION.—The*
 20 *term ‘inmate of a public institution’ has the meaning*
 21 *given such term for purposes of applying the subdivi-*
 22 *sion (A) following paragraph (29) of section 1905(a),*
 23 *taking into account the exception in such subdivision*
 24 *for a patient of a medical institution.”.*

1 (b) *NO CHANGE IN EXCLUSION FROM MEDICAL AS-*
 2 *SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.*—*Noth-*
 3 *ing in this section shall be construed as changing the exclu-*
 4 *sion from medical assistance under the subdivision (A) fol-*
 5 *lowing paragraph (29) of section 1905(a) of the Social Se-*
 6 *curity Act (42 U.S.C. 1396d(a)), including any applicable*
 7 *restrictions on a State submitting claims for Federal finan-*
 8 *cial participation under title XIX of such Act for such as-*
 9 *sistance.*

10 (c) *NO CHANGE IN CONTINUITY OF ELIGIBILITY BE-*
 11 *FORE ADJUDICATION OR SENTENCING.*—*Nothing in this*
 12 *section shall be construed to mandate, encourage, or suggest*
 13 *that a State suspend or terminate coverage for individuals*
 14 *before they have been adjudicated or sentenced.*

15 (d) *EFFECTIVE DATE.*—

16 (1) *IN GENERAL.*—*Except as provided in para-*
 17 *graph (2), the amendments made by subsection (a)*
 18 *shall apply to eligibility of juveniles who become in-*
 19 *mates of public institutions on or after the date that*
 20 *is 1 year after the date of the enactment of this Act.*

21 (2) *RULE FOR CHANGES REQUIRING STATE LEG-*
 22 *ISLATION.*—*In the case of a State plan for medical*
 23 *assistance under title XIX of the Social Security Act*
 24 *which the Secretary of Health and Human Services*
 25 *determines requires State legislation (other than legis-*

1 *lation appropriating funds) in order for the plan to*
2 *meet the additional requirements imposed by the*
3 *amendments made by subsection (a), the State plan*
4 *shall not be regarded as failing to comply with the re-*
5 *quirements of such title solely on the basis of its fail-*
6 *ure to meet these additional requirements before the*
7 *first day of the first calendar quarter beginning after*
8 *the close of the first regular session of the State legis-*
9 *lature that begins after the date of the enactment of*
10 *this Act. For purposes of the previous sentence, in the*
11 *case of a State that has a 2-year legislative session,*
12 *each year of such session shall be deemed to be a sepa-*
13 *rate regular session of the State legislature.*

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