

[DISCUSSION DRAFT]

118TH CONGRESS
2^D SESSION

H. R. _____

To amend title XIX of the Social Security Act to make permanent the State option to extend protection against spousal impoverishment for recipients of home and community-based services under Medicaid.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XIX of the Social Security Act to make permanent the State option to extend protection against spousal impoverishment for recipients of home and community-based services under Medicaid.

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 “_____ Act of 2024”.

1 **SEC. 2. MAKING PERMANENT THE STATE OPTION TO EX-**
2 **TEND PROTECTION AGAINST SPOUSAL IM-**
3 **POVERISHMENT FOR RECIPIENTS OF HOME**
4 **AND COMMUNITY-BASED SERVICES UNDER**
5 **MEDICAID.**

6 (a) **IN GENERAL.**—Section 1924(h)(1)(A) of the So-
7 cial Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amend-
8 ed by striking “(at the option of the State) is described
9 in section 1902(a)(10)(A)(ii)(VI)” and inserting the fol-
10 lowing: “is eligible for medical assistance for home and
11 community-based services provided under subsection (c),
12 (d), or (i) of section 1915, under a waiver approved under
13 section 1115, or who is eligible for such medical assistance
14 by reason of being determined eligible under section
15 1902(a)(10)(C) or by reason of section 1902(f) or other-
16 wise on the basis of a reduction of income based on costs
17 incurred for medical or other remedial care, or who is eligi-
18 ble for medical assistance for home and community-based
19 attendant services and supports under section 1915(k)”.

20 (b) **CONFORMING AMENDMENT.**—Section 2404 of the
21 Patient Protection and Affordable Care Act (42 U.S.C.
22 1396r–5 note) is amended by striking “September 30,
23 2027” and inserting “the date of enactment of the _____
24 Act of 2024”.