

## Union Calendar No.

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8108

[Report No. 118-]

To amend title XIX of the Social Security Act to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces.

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2024

Mrs. KIGGANS of Virginia (for herself and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER --, 2024

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 italics]

[For text of introduced bill, see copy of bill as introduced on April 23, 2024]

# **A BILL**

To amend title XIX of the Social Security Act to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces.

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. MEDICAID STATE PLAN REQUIREMENT FOR DE-**  
4 **TERMINING RESIDENCY AND COVERAGE FOR**  
5 **MILITARY FAMILIES.**

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

8 *(1) in subsection (a)—*

9 *(A) in paragraph (86), by striking “and”*  
10 *at the end;*

11 *(B) in paragraph (87), by striking the pe-*  
12 *riod at the end and inserting “; and”; and*

13 *(C) by inserting after paragraph (87) the*  
14 *following new paragraph:*

15 *“(88) beginning January 1, 2028, provide, with*  
16 *respect to an active duty relocated individual (as de-*  
17 *finied in subsection (uu)(1))—*

18 *“(A) that, in determining eligibility for*  
19 *medical assistance under the State plan (or*  
20 *waiver of such plan), the relocation described in*  
21 *such subsection is deemed to be a temporary ab-*  
22 *sence for purposes of section 435.403(j)(3) of title*  
23 *42, Code of Federal Regulations (or any suc-*  
24 *cessor regulation);*

1           “(B) that if, at the time of such relocation,  
2 such active duty relocated individual is on a  
3 home and community-based services waiting list  
4 (as defined in subsection (uu)(2)), such indi-  
5 vidual remains on such list until—

6           “(i) the State completes an assessment  
7 and renders a decision with respect to the  
8 eligibility of such individual to receive the  
9 relevant home and community-based serv-  
10 ices at the time a slot for such services be-  
11 comes available and, in the case such deci-  
12 sion is a denial of such eligibility, such in-  
13 dividual has exhausted the individual’s op-  
14 portunity for a fair hearing in accordance  
15 with paragraph (3); or

16           “(ii) such individual elects to be re-  
17 moved from such list; and

18           “(C) payment for medical assistance fur-  
19 nished under the State plan (or a waiver of the  
20 plan) to such active duty relocated individual in  
21 the temporary relocation State (as referred to in  
22 subsection (uu)(1)) in accordance with such  
23 guidance as the Secretary may issue to ensure  
24 access to such assistance.”; and

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

3           “(uu) *ACTIVE DUTY RELOCATED INDIVIDUAL; HOME*  
4           *AND COMMUNITY-BASED SERVICES WAITING LIST.—For*  
5           *purposes of subsection (a)(88) and this subsection:*

6           “(1) *ACTIVE DUTY RELOCATED INDIVIDUAL.—*  
7           *The term ‘active duty relocated individual’ means an*  
8           *individual enrolled under the State plan (or waiver*  
9           *of such plan)—*

10           “(A) *who—*

11                   “(i) *is a member of the Armed Forces*  
12                   *engaged in active duty service and is tem-*  
13                   *porarily relocated (as specified by the Sec-*  
14                   *retary) to another State (in this subsection*  
15                   *referred to as the ‘temporary relocation*  
16                   *State’) by reason of such service;*

17                   “(ii) *at any point during the preceding*  
18                   *1-year period, was such a member so en-*  
19                   *gaged in such service and was temporarily*  
20                   *relocated to the temporary relocation State*  
21                   *by reason of such service, but is no longer*  
22                   *so engaged in such service (including by*  
23                   *reason of retirement from such service); or*

24                   “(iii) *is a dependent (as defined by the*  
25                   *Secretary) of a member described in clause*

1           *(i) or (ii) who temporarily relocates to the*  
2           *temporary relocation State with such mem-*  
3           *ber; and*

4           *“(B) who—*

5                   *“(i) was receiving home and commu-*  
6                   *nity-based services (as defined in section*  
7                   *9817(a)(2)(B) of the American Rescue Plan*  
8                   *Act of 2021) at the time of such relocation;*  
9                   *or*

10                   *“(ii) if the State maintains a home*  
11                   *and community-based services waiting list,*  
12                   *was on such home and community-based*  
13                   *services waiting list at the time of such relo-*  
14                   *cation.*

15           *“(2) HOME AND COMMUNITY-BASED SERVICES*  
16           *WAITING LIST.—The term ‘home and community-*  
17           *based services waiting list’ means, in the case of a*  
18           *State that has a limit on the number of individuals*  
19           *who may receive home and community-based services*  
20           *under section 1115(a) or section 1915(c), a list main-*  
21           *tained by such State of individuals who have applied*  
22           *to receive such services under either such section but*  
23           *for whom the State has not yet completed an assess-*  
24           *ment and rendered a decision with respect to the eli-*  
25           *gibility of such individuals to receive the relevant*

- 1 *home and community-based services at the time a slot*
- 2 *for such services becomes available due to such limit.”.*