

**AMENDMENT TO THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO THE
COMMITTEE PRINT
RELATING TO THE MEDICAID PROGRAM
OFFERED BY M. _____**

At the end of subtitle B, add the following:

1 **SEC. ____ . TEMPORARY DECREASE IN FMAP FOR MEDICAL**
2 **ASSISTANCE UNDER STATE MEDICAID PLANS**
3 **FOR STATES WHICH UNDERCOUNT DEATHS**
4 **IN NURSING FACILITIES.**

5 Section 1905 of the Social Security Act (42 U.S.C.
6 1396d), as amended by sections 3101 and 3105 of this
7 subtitle, is further amended—

8 (1) in subsection (b), in the first sentence, by
9 striking “and (ii)” and inserting “(ii), and (jj)”;

10 (2) by adding at the end the following new sub-
11 section:

12 “(jj) TEMPORARY DECREASE IN FMAP FOR MED-
13 ICAL ASSISTANCE UNDER STATE MEDICAID PLANS FOR
14 STATES WHICH UNDERCOUNT DEATHS IN NURSING FA-
15 CILITIES.—The Federal medical assistance percentage de-
16 termined under subsection (b) for a State shall be de-

1 creased by 1 percentage point for calendar quarters occur-
2 ring during the period—

3 “(1) beginning on the date which the State At-
4 torney General of such State finds the State depart-
5 ment of health undercounted the number of deaths
6 of residents of nursing facilities (as defined in sec-
7 tion 1919(a)); and

8 “(2) ending on the date which the State depart-
9 ment of health publicly releases data which accu-
10 rately quantifies the number of such deaths.”.

