

~~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.”.

