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114TH CONGRESS
1ST SESSION

H. R. 1771

To amend title XIX of the Social Security Act to count portions of income from annuities of a community spouse as income available to institutionalized spouses for purposes of eligibility for medical assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2015

Mr. MULLIN introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend title XIX of the Social Security Act to count portions of income from annuities of a community spouse as income available to institutionalized spouses for purposes of eligibility for medical assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COUNTING PORTIONS OF INCOME FROM ANNUITIES OF A COMMUNITY SPOUSE AS INCOME AVAILABLE TO INSTITUTIONALIZED SPOUSES FOR MEDICAID ELIGIBILITY.

(a) IN GENERAL.—Section 1924(b)(2) of the Social Security Act (42 U.S.C. 1396r–5(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) ANNUITY INCOME.—

''(i) IN GENERAL.—In the case of payment of income from a qualifying annuity—

''(I) if payment of income is made solely in the name of the community spouse, one-half of the income shall be considered available to the institutionalized spouse and one-half to the community spouse;

''(II) if payment of income is made in the names of the institutionalized spouse and the community spouse, one-half of the income shall be considered available to the institutionalized spouse and one-half to the community spouse; and

''(III) if payment of income is made in the names of the community

spouse and another person or persons, one-half of the proportion of the community spouse's interest in such income shall be considered available to the institutionalized spouse.

''(ii) QUALIFYING ANNUITY.—In this subparagraph, the term 'qualifying annuity' means an annuity that—

''(I) is purchased after the date that is 60 months before the date specified in subparagraph (B)(ii) of section 1917(c)(1) for an amount that is equal to or greater than fair market value; and

''(II) is not described in clause (i) of subparagraph (G) of such section.

''(iii) INAPPLICABILITY OF OTHER RULES.—The rules of subparagraphs (A) and (B) shall not apply with respect to income from a qualifying annuity.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities pur-

chased or established on or after the date of the enactment of this Act.

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