

AMENDMENT TO H.R. _____

OFFERED BY MR. RUSH OF ILLINOIS

[Page and line numbers to CHIP-EXT-R__07, October 2, 2017]

At the end of title I, add the following (and conform the table of contents accordingly):

**1 SEC. 107. OPTIONS FOR BENEFICIARY REGARDING FACIL-
2 ITY SETTINGS.**

3 Section 1915 of the Social Security Act (42 U.S.C.
4 1396n) is amended by adding at the end the following new
5 subsection:

6 “(l)(1) In implementing subsections (c) through (k),
7 the Secretary shall work to—

8 “(A) maximize the options for individuals with
9 respect to the settings in which they live or receive
10 services described in subsections (c) through (k);
11 and

12 “(B) assure that individuals have a choice with
13 respect to where they live or receive services de-
14 scribed in subsections (c) through (k).

15 “(2) The Secretary shall not refuse to grant, and
16 shall not terminate, a waiver under this section, or deny
17 Federal financial participation with respect to services de-
18 scribed in subsections (c) through (k), based on where an

1 individual receiving such services chooses to live or receive
2 those services, except that the Secretary may deny Federal
3 financial payment with respect to services described in
4 subsections (c) through (k) that are received in, or are
5 delivered to an individual residing in, a hospital, a nursing
6 facility, or an Intermediate Care Facility for Individuals
7 with Intellectual Disabilities.

8 “(3) Nothing in this subsection shall be construed as
9 limiting the Secretary’s authority or a State’s authority
10 to protect the health and safety of individuals receiving
11 services described in subsections (c) through (k).”.

