

Committee Print

[SHOWING THE TEXT OF H.R. 1925/H1925-AMDT__01 AS FORWARDED BY
THE SUBCOMMITTEE ON HEALTH ON APRIL 25, 2018]

115TH CONGRESS
1ST SESSION

H. R. 1925

To amend title XIX of the Social Security Act to protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. CÁRDENAS (for himself and Mr. GRIFFITH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

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. SHORT TITLE.**

4 This Act may be cited as the “At-Risk Youth Med-
5 icaid Protection Act of 2017”.

1 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

2 (a) IN GENERAL.—Section 1902 of the Social Secu-
3 rity Act (42 U.S.C. 1396a) is amended—

4 (1) in subsection (a)—

5 (A) by striking “and” at the end of para-
6 graph (82);

7 (B) by striking the period at the end of
8 paragraph (83) and inserting “; and”; and

9 (C) by inserting after paragraph (83) the
10 following new paragraph:

11 “(84) provide that—

12 “(A) the State shall not terminate eligi-
13 bility for medical assistance under the State
14 plan for an individual who is an eligible juvenile
15 (as defined in subsection (nn)(2)) because the
16 juvenile is an inmate of a public institution (as
17 defined in subsection (nn)(3)), but may suspend
18 coverage during the period the juvenile is such
19 an inmate;

20 “(B) in the case of an individual who is an
21 eligible juvenile described in paragraph (2)(A),
22 the State shall, prior to the individual’s release
23 from such a public institution, conduct a rede-
24 termination of eligibility for such individual
25 with respect to such medical assistance (without
26 requiring a new application from the individual)

1 and, if the State determines pursuant to such
2 redetermination that the individual continues to
3 meet the eligibility requirements for such med-
4 ical assistance, the State shall restore coverage
5 for such medical assistance to such an indi-
6 vidual upon the individual's release from such
7 public institution; and

8 “(C) in the case of an individual who is an
9 eligible juvenile described in paragraph (2)(B),
10 the State shall process any application for med-
11 ical assistance submitted by, or on behalf of,
12 such individual such that the State makes a de-
13 termination of eligibility for such individual
14 with respect to such medical assistance upon re-
15 lease of such individual from such public insti-
16 tution.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(nn) JUVENILE; ELIGIBLE JUVENILE; PUBLIC IN-
20 STITUTION.—For purposes of subsection (a)(84) and this
21 subsection:

22 “(1) JUVENILE.—The term ‘juvenile’ means an
23 individual who is—

24 “(A) under 21 years of age; or

1 “(B) described in subsection
2 (a)(10)(A)(i)(IX).

3 “(2) ELIGIBLE JUVENILE.—The term ‘eligible
4 juvenile’ means a juvenile who is an inmate of a
5 public institution and who—

6 “(A) was determined eligible for medical
7 assistance under the State plan immediately be-
8 fore becoming an inmate of such a public insti-
9 tution; or

10 “(B) is determined eligible for such med-
11 ical assistance while an inmate of a public insti-
12 tution.

13 “(3) INMATE OF A PUBLIC INSTITUTION.—The
14 term ‘inmate of a public institution’ has the meaning
15 given such term for purposes of applying the sub-
16 division (A) following paragraph (29) of section
17 1905(a), taking into account the exception in such
18 subdivision for a patient of a medical institution.”.

19 (b) NO CHANGE IN EXCLUSION FROM MEDICAL AS-
20 SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—
21 Nothing in this section shall be construed as changing the
22 exclusion from medical assistance under the subdivision
23 (A) following paragraph (29) of section 1905(a) of the So-
24 cial Security Act (42 U.S.C. 1396d(a)), including any ap-
25 plicable restrictions on a State submitting claims for Fed-

1 eral financial participation under title XIX of such Act
2 for such assistance.

3 (c) NO CHANGE IN CONTINUITY OF ELIGIBILITY BE-
4 FORE ADJUDICATION OR SENTENCING.—Nothing in this
5 section shall be construed to mandate, encourage, or sug-
6 gest that a State suspend or terminate coverage for indi-
7 viduals before they have been adjudicated or sentenced.

8 (d) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the amendments made by subsection (a)
11 shall apply to eligibility of juveniles who become in-
12 mates of public institutions on or after the date that
13 is 1 year after the date of the enactment of this Act.

14 (2) RULE FOR CHANGES REQUIRING STATE
15 LEGISLATION.—In the case of a State plan for med-
16 ical assistance under title XIX of the Social Security
17 Act which the Secretary of Health and Human Serv-
18 ices determines requires State legislation (other than
19 legislation appropriating funds) in order for the plan
20 to meet the additional requirements imposed by the
21 amendments made by subsection (a), the State plan
22 shall not be regarded as failing to comply with the
23 requirements of such title solely on the basis of its
24 failure to meet these additional requirements before
25 the first day of the first calendar quarter beginning

1 after the close of the first regular session of the
2 State legislature that begins after the date of the en-
3 actment of this Act. For purposes of the previous
4 sentence, in the case of a State that has a 2-year
5 legislative session, each year of such session shall be
6 deemed to be a separate regular session of the State
7 legislature.