

114TH CONGRESS  
2D SESSION

# H. R. 5036

To clarify the application of spousal impoverishment protections for recipients of home and community-based services under Medicaid.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2016

Ms. MCCOLLUM (for herself, Mr. PETERSON, and Mr. ELLISON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To clarify the application of spousal impoverishment protections for recipients of home and community-based services under Medicaid.

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 “Protecting Families  
5 with Disabilities Act of 2016”.

1 **SEC. 2. CLARIFICATION REGARDING APPLICATION OF MED-**  
2 **ICAID SPOUSAL IMPOVERISHMENT PROTEC-**  
3 **TIONS TO RECIPIENTS OF HOME AND COM-**  
4 **MUNITY-BASED SERVICES.**

5 (a) IN GENERAL.—Section 2404 of the Patient Pro-  
6 tection and Affordable Care Act (42 U.S.C. 1396r–5 note)  
7 is amended—

8 (1) by striking “During” and inserting the fol-  
9 lowing:

10 “(a) IN GENERAL.—During”; and

11 (2) by adding at the end the following:

12 “(b) RULE OF CONSTRUCTION.—During the period  
13 in which subsection (a) is in effect, nothing in subsection  
14 (a) or section 1924 of the Social Security Act (42 U.S.C.  
15 1396r–5) shall be construed as prohibiting a State that,  
16 as of January 1, 2014, had a home and community-based  
17 waiver approved under section 1915(c) of such Act (42  
18 U.S.C. 1396n(c)) under which the State disregarded the  
19 income and assets of the individual’s spouse in deter-  
20 mining the initial and ongoing financial eligibility of an  
21 individual for services provided under such home and com-  
22 munity-based waiver in place of the spousal impoverish-  
23 ment provisions applied under such section 1924, from  
24 continuing to disregard the individual’s spousal income  
25 and assets for purposes of making such determinations  
26 while such waiver remains in effect.”.

1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect as if enacted on January  
3 1, 2014.

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