

117TH CONGRESS  
1ST SESSION

# S. 2689

To amend title XIX of the Social Security Act to ensure that children in foster care who are placed in a qualified residential treatment program are eligible for Medicaid.

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IN THE SENATE OF THE UNITED STATES

AUGUST 10, 2021

Mr. BURR (for himself and Mrs. FEINSTEIN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to ensure that children in foster care who are placed in a qualified residential treatment program are eligible for 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 “Ensuring Medicaid  
5 Continuity for Children in Foster Care Act of 2021”.

1 **SEC. 2. EXEMPTION OF CHILDREN IN FOSTER CARE WHO**  
2 **ARE PLACED IN A QUALIFIED RESIDENTIAL**  
3 **TREATMENT PROGRAM FROM THE MEDICAID**  
4 **IMD EXCLUSION.**

5 (a) **IN GENERAL.**—Section 1905(a)(31)(B) of the So-  
6 cial Security Act (42 U.S.C. 1396d(a)(31)(B)) is amended  
7 by inserting “and services provided to any individual who  
8 is a child in foster care under the responsibility of a State  
9 who has been placed in a child care institution that is a  
10 qualified residential treatment program (as defined in sec-  
11 tion 472(k)(4)), without regard to whether payments are  
12 made on behalf of such child under section 472” after  
13 “section 1915(l)”.

14 (b) **EFFECTIVE DATE.**—The amendment made by  
15 subsection (a) shall take effect on October 1, 2021, and  
16 shall apply with respect to items and services furnished  
17 in calendar quarters beginning on or after that date.

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