

118TH CONGRESS
1ST SESSION

H. R. 3701

To amend title XIX of the Social Security Act to strengthen coverage under the Medicaid program for certain foster youth individuals.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Ms. KAMLAGER-DOVE (for herself, Ms. MOORE of Wisconsin, and Mr. CLEAVER) 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 strengthen coverage under the Medicaid program for certain foster youth individuals.

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 “Foster Youth Dental
5 Act of 2023”.

1 **SEC. 2. STRENGTHENING COVERAGE UNDER THE MED-**
2 **ICAID PROGRAM FOR CERTAIN FOSTER**
3 **YOUTH INDIVIDUALS.**

4 (a) EXPANSION OF EPSDT SERVICES TO CERTAIN
5 INDIVIDUALS AGED 21–25.—

6 (1) IN GENERAL.—Section 1905(a) of the So-
7 cial Security Act (42 U.S.C. 1396d(a)) is amend-
8 ed—

9 (A) in paragraph (4)(B), by inserting “(or,
10 in the case of a specified individual (as defined
11 in the matter at the end of this subsection),
12 under the age of 26)” after “21”; and

13 (B) by adding at the end the following new
14 sentence: “For purposes of paragraph (4)(B),
15 the term ‘specified individual’ means an indi-
16 vidual who is in foster care under the responsi-
17 bility of a State (or was in foster care under the
18 responsibility of the State on the date of attain-
19 ing 18 years of age or such higher age as the
20 State has elected under section 475(8)(B)(iii)
21 and was enrolled in a State plan under this title
22 or under a waiver of a plan while in such foster
23 care).”.

24 (2) PROVISION OF INFORMATION WITH RE-
25 SPECT TO DENTAL SERVICES.—Section

1 1902(a)(43)(A) of the Social Security Act (42
2 U.S.C. 1396a(a)(43)(A)) is amended—

3 (A) by inserting “(or, in the case of a spec-
4 ified individual (as defined in the matter at the
5 end of section 1905(a)), under the age of 26)”
6 after “21”;

7 (B) by inserting “(including dental serv-
8 ices)” after “treatment services”;

9 (C) by striking “and the need” and insert-
10 ing “, the need”; and

11 (D) by striking the comma at the end and
12 inserting “, and the importance of maintaining
13 good oral health,”.

14 (3) EFFECTIVE DATE.—

15 (A) EXTENSION OF COVERAGE.—The
16 amendments made by paragraph (1) shall apply
17 with respect to medical assistance furnished
18 during calendar quarters beginning on or after
19 the date that is 80 days after the date of the
20 enactment of this Act.

21 (B) PROVISION OF INFORMATION.—The
22 amendment made by paragraph (2) shall apply
23 to information provided under section
24 1902(a)(43)(A) of the Social Security Act (42
25 U.S.C. 1396a(a)(43)(A)) beginning with the

1 first calendar quarter beginning on or after the
 2 date that is 80 days after the date of the enact-
 3 ment of this Act.

4 (b) INCENTIVE FOR THE PROVISION OF DENTAL
 5 SERVICES TO CERTAIN INDIVIDUALS.—

6 (1) IN GENERAL.—Section 1902(a) of the So-
 7 cial Security Act (42 U.S.C. 1396a(a)) is amend-
 8 ed—

9 (A) in paragraph (13)—

10 (i) in subparagraph (B), by striking
 11 “and” at the end;

12 (ii) in subparagraph (C), by adding
 13 “and” at the end; and

14 (iii) by adding at the end the fol-
 15 lowing new subparagraph:

16 “(D) for payment for dental services fur-
 17 nished on or after the first day of the first cal-
 18 endar quarter beginning on or after the date
 19 that is 80 days after the date of the enactment
 20 of this subparagraph by a dentist to a specified
 21 individual (as defined in the matter at the end
 22 of section 1905(a)) under the age of 26 at a
 23 rate not less than the specified average rate (as
 24 defined in subsection (uu)) for such services.”;
 25 and

1 (B) by adding at the end the following new
2 subsection:

3 “(uu) SPECIFIED AVERAGE RATE DEFINED.—

4 “(1) IN GENERAL.—For purposes of subsection
5 (a)(13)(D), the term ‘specified average rate’ means,
6 with respect to a dental service furnished in a State,
7 the average of the contracted rates (as defined in
8 paragraph (2)) in effect during the 5-year period
9 ending on the date such service is so furnished—

10 “(A) for such service furnished in such
11 State (as determined by the State); or

12 “(B) for such service furnished in the
13 United States (as determined by the Secretary);
14 as selected by such State.

15 “(2) CONTRACTED RATE DEFINED.—

16 “(A) IN GENERAL.—For purposes of para-
17 graph (1), the term ‘contracted rate’ means,
18 with respect to a dental service, a rate in effect
19 between a health insurance issuer offering
20 group or individual health insurance coverage
21 or a group health plan (as such terms are de-
22 fined in section 2791 of the Public Health Serv-
23 ice Act) and a dentist with a contractual rela-
24 tionship in effect with such issuer or plan (as
25 applicable) for furnishing such service under

such coverage or plan (as applicable) that represents the total amount payable (including cost sharing) under such coverage or plan (as applicable) for such service so furnished.

“(B) EXCLUSION OF SELF-INSURED GROUP HEALTH PLAN RATES.—For purposes of subparagraph (A), the term ‘contracted rate’ shall not include a rate described in such subparagraph that is in effect between a self-insured group health plan and a dentist.”.

(2) MEDICAID MANAGED CARE PLANS.—Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended—

(A) in the header, by striking “PRIMARY CARE SERVICES” and inserting “CERTAIN SERVICES”;

(B) by inserting “or dental services” after “primary care services”;

(C) by striking “section 1902(a)(13)(C)” and inserting “subparagraph (C) or (D), respectively, of section 1902(a)(13)”;

(D) by striking “such section” and inserting “such subparagraph (C) or (D), as applicable”.

1 (3) INCREASED FMAP FOR INCREASED EX-
2 PENSES.—Section 1905 of the Social Security Act
3 (42 U.S.C. 1396d) is amended by adding at the end
4 the following new subsection:

5 “(jj) INCREASED FMAP FOR ADDITIONAL EXPENDI-
6 TURES FOR DENTAL SERVICES.—Notwithstanding sub-
7 section (b), with respect to the portion of the amounts ex-
8 pended for medical assistance for services described in sec-
9 tion 1902(a)(13)(D) furnished on or after the first day
10 of the first calendar quarter beginning on or after the date
11 that is 80 days after the date of the enactment of this
12 subsection furnished to an individual described in such
13 section by a dentist that is attributable to the amount by
14 which the minimum payment rate required under such
15 section (or, by application, section 1932(f)) exceeds the
16 payment rate applicable to such services under the State
17 plan as of January 1, 2023, the Federal medical assist-
18 ance percentage for a State that is one of the 50 States
19 or the District of Columbia shall be equal to 100 percent.
20 The preceding sentence does not prohibit the payment of
21 Federal financial participation based on the Federal med-
22 ical assistance percentage for amounts in excess of those
23 specified in such sentence.”.

1 (c) OUTREACH EFFORTS FOR ENROLLMENT OF
2 FORMER FOSTER CHILDREN.—Section 1902(a) of the So-
3 cial Security Act (42 U.S.C. 1396a(a)) is amended—

4 (1) in paragraph (86), by striking “; and” and
5 inserting a semicolon;

6 (2) in paragraph (87), by striking the period at
7 the end and inserting “; and”; and

8 (3) by inserting after paragraph (87) the fol-
9 lowing new paragraph:

10 “(88) not later than 6 months after the date of
11 the enactment of this paragraph—

12 “(A) establish an outreach and enrollment
13 program, in coordination with the State agency
14 responsible for administering the State plan
15 under part E of title IV and any other appro-
16 priate or interested agencies, designed to in-
17 crease the enrollment of individuals who are eli-
18 gible for medical assistance under the State
19 plan under paragraph (10)(A)(i)(IX) in accord-
20 ance with best practices established by the Sec-
21 retary; and

22 “(B) establish an outreach program to
23 dentists practicing in such State to encourage

- 1 enrollment by such dentists in such plan as par-
- 2 ticipating providers under such plan.”.

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