

118TH CONGRESS
2D SESSION

S. 5417

To amend title XIX of the Social Security Act to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2024

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

A BILL

To amend title XIX of the Social Security Act to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces.

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 “Care for Military Kids
5 Act”.

1 **SEC. 2. MEDICAID STATE PLAN REQUIREMENT FOR DETER-**
 2 **MINING RESIDENCY AND COVERAGE FOR**
 3 **MILITARY FAMILIES.**

4 Section 1902 of the Social Security Act (42 U.S.C.
 5 1396a) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (86), by striking “and”
 8 at the end;

9 (B) in paragraph (87), by striking the pe-
 10 riod at the end and inserting “; and”; and

11 (C) by inserting after paragraph (87) the
 12 following new paragraph:

13 “(88) beginning January 1, 2028, provide, with
 14 respect to an active duty relocated individual (as de-
 15 fined in subsection (uu)(1))—

16 “(A) that, in determining eligibility for
 17 medical assistance under the State plan (or
 18 waiver of such plan), the relocation described in
 19 such subsection is deemed to be a temporary
 20 absence for purposes of paragraph (3) of sec-
 21 tion 435.403(j) of title 42, Code of Federal
 22 Regulations (or any successor regulation);

23 “(B) that if, at the time of such relocation,
 24 such active duty relocated individual is on a
 25 home and community-based services waiting list

(as defined in subsection (uu)(2)), such individual remains on such list until—

“(i) the State completes an assessment and renders a decision with respect to the eligibility of such individual to receive the relevant home and community-based services at the time a slot for such services becomes available and, in the case such decision is a denial of such eligibility, such individual has exhausted the individual’s opportunity for a fair hearing in accordance with paragraph (3) of section 435.403(j) of title 42, Code of Federal Regulations (or any successor regulation); or

“(ii) such individual elects to be removed from such list; and

“(C) payment for medical assistance furnished under the State plan (or a waiver of the plan) to such active duty relocated individual in the temporary relocation State (as referred to in subsection (uu)(1)) in accordance with such guidance as the Secretary may issue to ensure access to such assistance.”; and

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

3 “(uu) ACTIVE DUTY RELOCATED INDIVIDUAL; HOME
4 AND COMMUNITY-BASED SERVICES WAITING LIST.—For
5 purposes of subsection (a)(88) and this subsection:

6 “(1) ACTIVE DUTY RELOCATED INDIVIDUAL.—
7 The term ‘active duty relocated individual’ means an
8 individual enrolled under the State plan (or waiver
9 of such plan)—

10 “(A) who—

11 “(i) is a member of the Armed Forces
12 engaged in active duty service and is tem-
13 porarily relocated (as specified by the Sec-
14 retary) to another State (in this subsection
15 referred to as the ‘temporary relocation
16 State’) by reason of such service;

17 “(ii) at any point during the pre-
18 ceding 1-year period, was such a member
19 so engaged in such service and was tempo-
20 rarily relocated to the temporary relocation
21 State by reason of such service, but is no
22 longer so engaged in such service (includ-
23 ing by reason of retirement from such
24 service); or

1 “(iii) is a dependent (as defined by
2 the Secretary) of a member described in
3 clause (i) or (ii) who temporarily relocates
4 to the temporary relocation State with
5 such member; and

6 “(B) who—

7 “(i) was receiving home and commu-
8 nity-based services (as defined in section
9 9817(a)(2)(B) of the American Rescue
10 Plan Act of 2021) at the time of such relo-
11 cation; or

12 “(ii) if the State maintains a home
13 and community-based services waiting list,
14 was on such home and community-based
15 services waiting list at the time of such re-
16 location.

17 “(2) HOME AND COMMUNITY-BASED SERVICES
18 WAITING LIST.—The term ‘home and community-
19 based services waiting list’ means, in the case of a
20 State that has a limit on the number of individuals
21 who may receive home and community-based services
22 under section 1115(a) or section 1915(c), a list
23 maintained by such State of individuals who have
24 applied to receive such services under either such
25 section but for whom the State has not yet com-

1 pleted an assessment and rendered a decision with
2 respect to the eligibility of such individuals to receive
3 the relevant home and community-based services at
4 the time a slot for such services becomes available
5 due to such limit.”.

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