

105TH CONGRESS
1ST SESSION

H. R. 1269

To amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. BOSWELL introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program.

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. TREATMENT OF VETERANS PENSIONS UNDER**

4 **MEDICAID.**

5 (a) POST-ELIGIBILITY.—Section 1902(r)(1) of the

6 Social Security Act (42 U.S.C. 1396a(r)(1)) is amended

7 to read as follows:

1 “(r)(1) For purposes of sections 1902(a)(17) and
2 1924(d)(1)(D) and for purposes of a waiver under section
3 1915, with respect to the post-eligibility treatment of in-
4 come of individuals who are institutionalized or receiving
5 home or community-based services under such a waiver—

6 “(A) there shall be disregarded reparation pay-
7 ments made by the Federal Republic of Germany;

8 “(B) there shall be taken into account amounts
9 for incurred expenses for medical or remedial care
10 that are not subject to payment by a third party, in-
11 cluding—

12 “(i) medicare and other health insurance
13 premiums, deductibles, or coinsurance, and

14 “(ii) necessary medical or remedial care
15 recognized under State law but not covered
16 under the State plan under this title, subject to
17 reasonable limits the State may establish on the
18 amount of these expenses; and

19 “(C) there shall be taken into account, as in-
20 come, any and all payments received under a De-
21 partment of Veterans Affairs pension or compensa-
22 tion program, including payments attributable to the
23 recipient’s medical expenses or to the recipient’s
24 need for aid and attendance, but excluding that part

1 of any augmented benefit attributable to a depend-
2 ent.

3 For purposes of subparagraph (C), any Department of
4 Veterans Affairs pension benefit that has been limited to
5 \$90 per month pursuant to section 5503(f) of title 38,
6 United States Code, may be applied to meet the monthly
7 personal needs allowance provided by the State plan under
8 this title, but shall not otherwise be used to reduce the
9 amount paid to a facility under the State plan.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall be effective with respect to periods be-
12 ginning on and after July 1, 1994.

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