

105TH CONGRESS  
1ST SESSION

# H. R. 2396

To amend section 1128B of the Social Security Act to repeal the criminal penalty for counseling or assisting an individual to dispose of assets in order to become eligible for Medicaid benefits.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 1997

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

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## A BILL

To amend section 1128B of the Social Security Act to repeal the criminal penalty for counseling or assisting an individual to dispose of assets in order to become eligible for Medicaid benefits.

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. REPEAL OF CRIMINAL PENALTY FOR COUNSEL-**  
4 **ING OR ASSISTING AN INDIVIDUAL REGARD-**  
5 **ING DISPOSITION OF ASSETS IN ORDER TO**  
6 **BECOME ELIGIBLE FOR MEDICAID BENEFITS.**

7 (a) REPEAL.—

1           (1) IN GENERAL.—Section 1128B(a) of the So-  
2           cial Security Act (42 U.S.C. 1320a–7b(a)) is amend-  
3           ed—

4                   (A) by adding “or” at the end of para-  
5           graph (4),

6                   (B) by striking “or” at the end of para-  
7           graph (5) and inserting a period, and

8                   (C) by striking paragraph (6).

9           (2) CONFORMING AMENDMENT.—Such section,  
10          as amended by section 4734(2) of the Balanced  
11          Budget Act of 1997, is amended, in clause (ii) of the  
12          matter following paragraph (5), by striking “failure,  
13          conversion, or provision of counsel or assistance by  
14          any other person” and inserting “failure or conver-  
15          sion by any other person”.

16          (b) EFFECTIVE DATES.—The amendments made by  
17          subsection (a)(1) take effect as if included in the enact-  
18          ment of the Health Insurance Portability and Accountabil-  
19          ity Act of 1996 and the amendment made by subsection  
20          (a)(2) takes effect as if included in the enactment of the  
21          Balanced Budget Act of 1997.

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