

108TH CONGRESS
1ST SESSION

H. R. 2288

To amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2003

Mr. ANDREWS 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 require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PRORATING MEDICAID BENEFICIARY CON-**
2 **TRIBUTIONS FOR PARTIAL COVERAGE OF**
3 **NURSING FACILITY SERVICES DURING A**
4 **MONTH.**

5 (a) IN GENERAL.—Section 1902 of the Social Secu-
6 rity Act (42 U.S.C. 1396a) is amended by adding at the
7 end the following new subsection:

8 “(cc) Notwithstanding any other provision of this
9 title, in the case of an individual who is entitled to medical
10 assistance for nursing facility services under this title in
11 a month but who is not receiving such services during the
12 entire month, the amount of any contribution required of
13 the individual during such month with respect to payment
14 for such services shall be pro-rated to reflect the fraction
15 of the month during which the individual is receiving such
16 services.”.

17 (b) TECHNICAL AMENDMENTS.—

18 (1) Section 1902 of the Social Security Act (42
19 U.S.C. 1396a), as amended by section 702(b) of the
20 Medicare, Medicaid, and SCHIP Benefits Improve-
21 ment and Protection Act of 2000 (as enacted into
22 law by section 1(a)(6) of Public Law 106–554), is
23 amended by redesignating the subsection (aa) added
24 by such section as subsection (bb).

25 (2) Section 1902(a)(15) of such Act (42 U.S.C.
26 1396a(a)(15)), as added by section 702(a)(2) of the

1 Medicare, Medicaid, and SCHIP Benefits Improve-
2 ment and Protection Act of 2000 (as so enacted into
3 law), is amended by striking “subsection (aa)” and
4 inserting “subsection (bb)”.

5 (3) Section 1915(b) of such Act (42 U.S.C.
6 1396n(b)), as amended by section 702(c)(2) of the
7 Medicare, Medicaid, and SCHIP Benefits Improve-
8 ment and Protection Act of 2000 (as so enacted into
9 law), is amended by striking “1902(aa)” and insert-
10 ing “1902(bb)”.

11 (c) EFFECTIVE DATES.—(1) Except as provided in
12 paragraph (2), the amendment made by subsection (a)
13 shall apply to calendar quarters beginning on or after Jan-
14 uary 1, 2004, without regard to whether or not final regu-
15 lations to carry out such amendment have been promul-
16 gated by such date.

17 (2) In the case of a State plan for medical assistance
18 under title XIX of the Social Security Act which the Sec-
19 retary of Health and Human Services determines requires
20 State legislation (other than legislation appropriating
21 funds) in order for the plan to meet the additional require-
22 ment imposed by the amendment made by subsection (a),
23 the State plan shall not be regarded as failing to comply
24 with the requirements of such title solely on the basis of
25 its failure to meet this additional requirement before the

1 first day of the first calendar quarter beginning after the
2 close of the first regular session of the State legislature
3 that begins after the date of the enactment of this Act.
4 For purposes of the previous sentence, in the case of a
5 State that has a 2-year legislative session, each year of
6 such session shall be deemed to be a separate regular ses-
7 sion of the State legislature.

8 (3) The amendments made by subsection (b) shall
9 take effect as if included in the enactment of section 702
10 of the Medicare, Medicaid, and SCHIP Benefits Improve-
11 ment and Protection Act of 2000 (as enacted into law by
12 section 1(a)(6) of Public Law 106–554).

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