

109TH CONGRESS  
1ST SESSION

# H. R. 4362

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. ANDREWS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## 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) EFFECTIVE DATES.—(1) Except as provided in  
18 paragraph (2), the amendment made by subsection (a)  
19 shall apply to calendar quarters beginning on or after Jan-  
20 uary 1, 2006, without regard to whether or not final regu-  
21 lations to carry out such amendment have been promul-  
22 gated by such date.

23 (2) In the case of a State plan for medical assistance  
24 under title XIX of the Social Security Act which the Sec-  
25 retary of Health and Human Services determines requires  
26 State legislation (other than legislation appropriating

1 funds) in order for the plan to meet the additional require-  
2 ment imposed by the amendment made by subsection (a),  
3 the State plan shall not be regarded as failing to comply  
4 with the requirements of such title solely on the basis of  
5 its failure to meet this additional requirement before the  
6 first day of the first calendar quarter beginning after the  
7 close of the first regular session of the State legislature  
8 that begins after the date of the enactment of this Act.  
9 For purposes of the previous sentence, in the case of a  
10 State that has a 2-year legislative session, each year of  
11 such session shall be deemed to be a separate regular ses-  
12 sion of the State legislature.

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