

109TH CONGRESS
2D SESSION

H. R. 4665

To amend title XIX of the Social Security Act to provide for an offset from the Medicaid clawback for State emergency prescription drug expenditures for Medicare dual-eligible individuals.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2006

Mr. CARDIN (for himself, Ms. PELOSI, Mr. HOYER, Mr. RANGEL, Mr. STARK, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. HOOLEY, Mrs. CAPPS, Mr. WEXLER, Ms. NORTON, Mr. THOMPSON of California, Mr. ROSS, Mr. DAVIS of Florida, Ms. MATSUI, Ms. WOOLSEY, Mr. SANDERS, Mr. McDERMOTT, Ms. ESHOO, Ms. HARMAN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. NADLER, Mr. ENGEL, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. MOORE of Wisconsin, Mr. KANJORSKI, Mr. HIGGINS, Mr. JEFFERSON, Mr. BISHOP of New York, Mr. DELAHUNT, Ms. BALDWIN, Mr. HINCHEY, Mr. GRIJALVA, Ms. LEE, Mr. DEFazio, Mr. LANTOS, Mr. DOYLE, Ms. DEGETTE, Mr. FARR, Mr. MCGOVERN, Mr. ORTIZ, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. WYNN, Mr. CLEAVER, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Mr. FILNER, Mr. MICHAUD, Mr. RUPPERSBERGER, Mr. FORD, Mr. CUMMINGS, Mr. CROWLEY, Mr. HONDA, Mr. BERRY, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Mr. PRICE of North Carolina) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XIX of the Social Security Act to provide for an offset from the Medicaid clawback for State emergency prescription drug expenditures for Medicare dual-eligible individuals.

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. FEDERAL RESPONSIBILITY FOR STATE EMER-**
 4 **GENCY PRESCRIPTION DRUG EXPENDITURES**
 5 **FOR MEDICARE DUAL-ELIGIBLE INDIVID-**
 6 **UALS.**

7 Section 1935(c) of the Social Security Act (42 U.S.C.
 8 1396v–5(c)) is amended—

9 (1) in paragraph (1)(A), by striking “Each of
 10 the 50 States” and inserting “Subject to paragraph
 11 (7), each of the 50 States”; and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(7) OFFSET FOR EMERGENCY STATE PRE-
 15SCRIPTION DRUG EXPENDITURES.—

16 “(A) IN GENERAL.—The amount of pay-
 17ment for a month (beginning with January
 182006 and ending with December 2007) under
 19paragraph (1) shall be reduced by the amount
 20(as documented by the State) that the State ex-
 21pended during the month for payment for part
 22D covered drugs for part D eligible individuals
 23who are entitled to benefits under the State
 24plan (whether as full-benefit dual eligible indi-
 25viduals, qualified medicare beneficiaries, or oth-

erwise) and who are enrolled in a prescription drug plan under part D of title XVIII, but were unable to access on a timely basis prescription drug benefits to which they were entitled under such prescription drug plan.

“(B) RECOVERY OF AMOUNT OF OFFSET FROM PRESCRIPTION DRUG PLANS.—The Secretary shall provide for recovery of payment reductions made under subparagraph (A) from those prescription drug plans under part D of title XVIII or MA–PD plans under part C of such title that would otherwise be responsible for the expenditures described in such subparagraph. Any such amounts recovered shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund.”.

○