

110TH CONGRESS
1ST SESSION

H. R. 1376

To amend title XIX of the Social Security Act to establish independent foster care adolescents as a mandatory category (and not an optional category) of individuals for coverage under State Medicaid programs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2007

Mr. CARDOZA 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 establish independent foster care adolescents as a mandatory category (and not an optional category) of individuals for coverage under State Medicaid programs.

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. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Foster Care
5 Coverage Act of 2007”.

1 **SEC. 2. INDEPENDENT FOSTER CARE ADOLESCENTS ES-**
2 **TABLISHED AS MANDATORY CATEGORY (AND**
3 **NOT OPTIONAL CATEGORY) OF INDIVIDUALS**
4 **FOR MEDICAID COVERAGE.**

5 (a) ESTABLISHMENT AS MANDATORY CATEGORY.—

6 Clause (i) of section 1902(a)(10)(A) of the Social Security
7 Act (42 U.S.C. 1396a(a)(10)(A)) is amended—

8 (1) in subclause (VI), by striking at the end
9 “or”;

10 (2) in subclause (VII), by adding at the end
11 “or”; and

12 (3) by adding at the end the following new sub-
13 clause:

14 “(VIII) who are independent fos-
15 ter care adolescents (as defined in sec-
16 tion 1905(w)(1));”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Clause (ii) of such section is amended by
19 striking subclause (XVII) and redesignating sub-
20 clauses (XVIII) and (XIX) as subclauses (XVII) and
21 (XVIII), respectively.

22 (2) Section 1905(w) of the Social Security Act
23 (42 U.S.C. 1396d(w)) is amended—

24 (A) in paragraph (1), by inserting “, sub-
25 ject to paragraph (3),” after “means”; and

1 (B) in paragraph (3), by striking “section
2 1902(a)(10)(A)(ii)(XVII)” and inserting “sec-
3 tion 1902(a)(10)(A)(I)(VIII)”.

4 (3) Section 1902 of such Act (42 U.S.C.
5 1396a) is amended—

6 (A) in the matter following subparagraph
7 (G) of subsection (a)(10), by striking “subpara-
8 graph (A)(10)(ii)(XVIII)” and inserting “sub-
9 paragraph (A)(ii)(XVII)”;

10 (B) in subsection (cc)(2)(A)(I), by striking
11 “subsection (a)(10)(A)(ii)(XIX)” and inserting
12 “subsection (a)(10)(A)(ii)(XVIII)”.

13 (4) Section 1903(f)(4) of such Act (42 U.S.C.
14 1396b(f)(4)) is amended—

15 (A) by striking
16 “1902(a)(10)(A)(ii)(XVII),” and inserting
17 “1902(a)(10)(A)(I)(VIII),” after
18 “1902(a)(10)(A)(I)(VII),”;

19 (B) by striking
20 “1902(a)(10)(A)(ii)(XVIII)” and inserting
21 “1902(a)(10)(A)(ii)(XVII)”;

22 (C) by striking “1902(a)(10)(A)(ii)(XIX)”
23 and inserting “1902(a)(10)(A)(ii)(XVIII)”.

24 (5) Section 1905 of such Act (42 U.S.C.
25 1396d) is amended—

1 (A) in subsection (a)(2)(B), by striking
2 “1902(a)(10)(A)(ii)(XIX)” and inserting
3 “1902(a)(10)(A)(ii)(XVIII)”;

4 (B) in subsection (b), by striking
5 “1902(a)(10)(A)(ii)(XVIII)” and inserting
6 “1902(a)(10)(A)(ii)(XVII)”.

7 (6) Section 1916(I) of such Act (42 U.S.C.
8 1396o(I)) is amended in paragraphs (1) and (3), by
9 striking “1902(a)(10)(A)(ii)(XIX)” and inserting
10 “1902(a)(10)(A)(ii)(XVIII)” each place it appears.

11 (7) Section 1916A(b)(3) of such Act (42 U.S.C.
12 1396o–1(b)(3)) is amended in subparagraphs (A)(v)
13 and (B)(vii), by striking
14 “1902(a)(10)(A)(ii)(XVIII)” and inserting
15 “1902(a)(10)(A)(ii)(XVII)” each place it appears.

16 (8) Section 1937(a)(2)(B)(x) of such Act (42
17 U.S.C. 1396u–7(a)(2)(B)(x)) is amended by striking
18 “1902(a)(10)(A)(ii)(XVIII)” and inserting
19 “1902(a)(10)(A)(ii)(XVII)”.

20 (c) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made by subsections (a)
23 and (b) shall apply to calendar quarters beginning
24 on or after October 1, 2007, without regard to

1 whether or not final regulations to carry out such
2 amendments have been promulgated by such date.

3 (2) EXCEPTION IF STATE LEGISLATION RE-
4 QUIRED.—In the case of a State plan for medical as-
5 sistance under title XIX of the Social Security Act
6 which the Secretary of Health and Human Services
7 determines requires State legislation (other than leg-
8 islation appropriating funds) in order for the plan to
9 meet the additional requirement imposed by the
10 amendments made by subsection (a), the State plan
11 shall not be regarded as failing to comply with the
12 requirements of such title solely on the basis of its
13 failure to meet this additional requirement before
14 the first day of the first calendar quarter beginning
15 after the close of the first regular session of the
16 State legislature that begins after the date of the en-
17 actment of this Act. For purposes of the previous
18 sentence, in the case of a State that has a 2-year
19 legislative session, each year of such session shall be
20 deemed to be a separate regular session of the State
21 legislature.

○