

114TH CONGRESS
1ST SESSION

H. R. 2119

To amend title XI of the Social Security Act to require that State applications for State plan waivers under the Medicaid program be approved only if such applications are budget neutral, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

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

A BILL

To amend title XI of the Social Security Act to require that State applications for State plan waivers under the Medicaid program be approved only if such applications are budget neutral, and for other purposes.

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. BUDGET NEUTRALITY REQUIRED FOR STATE**
4 **PLAN WAIVERS UNDER MEDICAID.**

5 (a) IN GENERAL.—Section 1115(d) of the Social Se-
6 curity Act (42 U.S.C. 1315(d)) is amended—

7 (1) by redesignating paragraph (3) as para-
8 graph (4); and

1 (2) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3)(A) Beginning with fiscal year 2016, the
4 Secretary shall require, as a condition on the ap-
5 proval of a demonstration project in a State under
6 this section, that the project be budget neutral, as
7 determined by the Secretary in accordance with sub-
8 paragraph (B) and subject to subparagraph (C).

9 “(B) A determination by the Secretary under
10 this paragraph on whether a demonstration project
11 is budget neutral shall be based on—

12 “(i) the historical Federal and State ex-
13 penditures made under the State plan under
14 title XIX, including any adjustments to such
15 expenditures (other than adjustments to ac-
16 count for improper or otherwise unallowable
17 payments) supported by data or other docu-
18 mentation;

19 “(ii) the State’s historical spending growth
20 rates and population growth rates, including
21 any adjustments supported by data or docu-
22 mentation; and

23 “(iii) any other criteria determined appro-
24 priate by the Secretary.

1 “(C) The Secretary may not determine that a
2 demonstration project is budget neutral under this
3 paragraph unless the Chief Actuary of the Centers
4 for Medicare & Medicaid Services certifies to the
5 Secretary that the project is budget neutral.

6 “(D) For purposes of this paragraph, the term
7 ‘budget neutral’ means, with respect to a demonstra-
8 tion project, that the Federal expenditures under the
9 project in the State do not exceed the Federal ex-
10 penditures that would otherwise have been made if
11 the State had in effect a plan approved under title
12 XIX.”; and

13 (3) in paragraph (4) (as redesignated by para-
14 graph (1))—

15 (A) by striking “Congress concerning ac-
16 tions” and inserting “Congress on, and make
17 available to the public information on, any ac-
18 tions”; and

19 (B) by inserting “, including any data or
20 other information relating to determinations of
21 the Secretary under paragraph (3) that such
22 demonstration projects are budget neutral” be-
23 fore the period at the end.

24 (b) REGULATIONS.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of Health

1 and Human Services shall issue regulations to carry out
2 the amendments made by subsection (a), including regula-
3 tions specifying the criteria to be used in making deter-
4 minations under paragraph (3) of section 1115(d) of the
5 Social Security Act (42 U.S.C. 1315(d)), as inserted by
6 subsection (a).

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