

114TH CONGRESS
2D SESSION

H. R. 5100

To amend title XIX of the Social Security Act to protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Mr. CÁRDENAS (for himself and Mr. GRIFFITH) 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 protect at-risk youth against termination of Medicaid eligibility while an inmate of a public institution.

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 “At-Risk Youth Med-
5 icaid Protection Act of 2016”.

6 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

7 (a) IN GENERAL.—Section 1902 of the Social Secu-
8 rity Act (42 U.S.C. 1396a) is amended—

9 (1) in subsection (a)—

1 (A) by striking “and” at the end of para-
2 graph (80);

3 (B) by striking the period at the end of
4 paragraph (81) and inserting “; and”; and

5 (C) by inserting after paragraph (81) the
6 following new paragraph:

7 “(82) provide that—

8 “(A) the State shall not terminate eligi-
9 bility for medical assistance under a State plan
10 for an individual who is an eligible juvenile (as
11 defined in subsection (ll)(2)) because the juve-
12 nile is an inmate of a public institution (as de-
13 fined in subsection (ll)(3)), but may suspend
14 coverage during the period the juvenile is such
15 an inmate;

16 “(B) the State shall restore coverage for
17 such medical assistance to such an individual
18 upon the individual’s release from any such
19 public institution, without requiring a new ap-
20 plication from the individual, unless (and until
21 such date as) there is a determination that the
22 individual no longer meets the eligibility re-
23 quirements for such medical assistance; and

24 “(C) the State shall process any applica-
25 tion for medical assistance submitted by, or on

1 behalf of, a juvenile who is an inmate of a pub-
 2 lic institution notwithstanding that the juvenile
 3 is such an inmate.”; and

4 (2) by adding at the end the following new sub-
 5 section:

6 “(1) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTI-
 7 TUTION.—For purposes of subsection (a)(82) and this
 8 subsection:

9 “(1) JUVENILE.—The term ‘juvenile’ means an
 10 individual who is—

11 “(A) under 21 years of age; or

12 “(B) is described in subsection
 13 (a)(10)(A)(i)(IX).

14 “(2) ELIGIBLE JUVENILE.—The term ‘eligible
 15 juvenile’ means a juvenile who is an inmate of a
 16 public institution and was eligible for medical assist-
 17 ance under the State plan immediately before be-
 18 coming an inmate of such a public institution or who
 19 becomes eligible for such medical assistance while an
 20 inmate of a public institution.

21 “(3) INMATE OF A PUBLIC INSTITUTION.—The
 22 term ‘inmate of a public institution’ has the meaning
 23 given such term for purposes of applying the sub-
 24 division (A) following paragraph (29) of section

1 1905(a), taking into account the exception in such
 2 subdivision for a patient of a medical institution.”.

3 (b) NO CHANGE IN EXCLUSION FROM MEDICAL AS-
 4 SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—
 5 Nothing in this section shall be construed as changing the
 6 exclusion from medical assistance under the subdivision
 7 (A) following paragraph (29) of section 1905(a) of the So-
 8 cial Security Act (42 U.S.C. 1396d(a)), including any ap-
 9 plicable restrictions on a State submitting claims for Fed-
 10 eral financial participation under title XIX of such Act
 11 for such assistance.

12 (c) NO CHANGE IN CONTINUITY OF ELIGIBILITY BE-
 13 FORE ADJUDICATION OR SENTENCING.—Nothing in this
 14 section shall be construed to mandate, encourage, or sug-
 15 gest that a State suspend or terminate coverage for indi-
 16 viduals before they have been adjudicated or sentenced.

17 (d) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
 19 graph (2), the amendments made by subsection (a)
 20 shall apply to eligibility of juveniles who become in-
 21 mates of public institutions on or after the date that
 22 is 1 year after the date of the enactment of this Act.

23 (2) RULE FOR CHANGES REQUIRING STATE
 24 LEGISLATION.—In the case of a State plan for med-
 25 ical assistance under title XIX of the Social Security

1 Act which the Secretary of Health and Human Serv-
2 ices determines requires State legislation (other than
3 legislation appropriating funds) in order for the plan
4 to meet the additional requirements imposed by the
5 amendments made by subsection (a), the State plan
6 shall not be regarded as failing to comply with the
7 requirements of such title solely on the basis of its
8 failure to meet these additional requirements before
9 the first day of the first calendar quarter beginning
10 after the close of the first regular session of the
11 State legislature that begins after the date of the en-
12 actment of this Act. For purposes of the previous
13 sentence, in the case of a State that has a 2-year
14 legislative session, each year of such session shall be
15 deemed to be a separate regular session of the State
16 legislature.

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