

115TH CONGRESS
1ST SESSION

H. R. 181

To amend title XIX of the Social Security Act to count portions of income from annuities of a community spouse as income available to institutionalized spouses for purposes of eligibility for medical assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. MULLIN (for himself and Mr. GUTHRIE) 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 count portions of income from annuities of a community spouse as income available to institutionalized spouses for purposes of eligibility for medical assistance, 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,*

1 **SECTION 1. COUNTING PORTIONS OF INCOME FROM ANNU-**
2 **ITIES OF A COMMUNITY SPOUSE AS INCOME**
3 **AVAILABLE TO INSTITUTIONALIZED SPOUSES**
4 **FOR MEDICAID ELIGIBILITY.**

5 (a) IN GENERAL.—Section 1924(b)(2) of the Social
6 Security Act (42 U.S.C. 1396r–5(b)(2)) is amended by
7 adding at the end the following new subparagraph:

8 “(E) ANNUITY INCOME.—

9 “(i) IN GENERAL.—In the case of
10 payment of income from a qualifying annu-
11 ity—

12 “(I) if payment of income is
13 made solely in the name of the com-
14 munity spouse, one-half of the income
15 shall be considered available to the in-
16 stitutionalized spouse and one-half to
17 the community spouse;

18 “(II) if payment of income is
19 made in the names of the institu-
20 tionalized spouse and the community
21 spouse, one-half of the income shall be
22 considered available to the institu-
23 tionalized spouse and one-half to the
24 community spouse; and

25 “(III) if payment of income is
26 made in the names of the community

1 spouse and another person or persons,
2 one-half of the proportion of the com-
3 munity spouse's interest in such in-
4 come shall be considered available to
5 the institutionalized spouse.

6 “(ii) QUALIFYING ANNUITY.—In this
7 subparagraph, the term ‘qualifying annu-
8 ity’ means an annuity that—

9 “(I) is purchased after the date
10 that is 60 months before the date
11 specified in subparagraph (B)(ii) of
12 section 1917(c)(1) for an amount that
13 is equal to or greater than fair market
14 value; and

15 “(II) is not described in clause
16 (i) of subparagraph (G) of such sec-
17 tion.

18 “(iii) INAPPLICABILITY OF OTHER
19 RULES.—The rules of subparagraphs (A)
20 and (B) shall not apply with respect to in-
21 come from a qualifying annuity.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply with respect to annuities pur-

- 1 chased or established on or after the date of the enactment
- 2 of this Act.

