

115TH CONGRESS
2D SESSION

H. R. 6549

To amend title XIX of the Social Security Act to limit estate recovery under Medicaid with respect to newly eligible individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Mr. NOLAN 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 limit estate recovery under Medicaid with respect to newly eligible individuals, 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. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Estate Re-
5 covery Fairness Act of 2018”.

1 **SEC. 2. LIMITATION ON ESTATE RECOVERY UNDER MED-**
2 **ICAID WITH RESPECT TO NEWLY ELIGIBLE**
3 **INDIVIDUALS.**

4 Section 1917(b) of the Social Security Act (42 U.S.C.
5 1396p(b)) is amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “No adjustment” and
8 inserting “Subject to paragraph (6), no adjust-
9 ment”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(6) Beginning on the date of the enactment of this
13 paragraph, in the case of an individual who was enrolled
14 under the State plan on the basis of being an individual
15 described in subclause (VIII) of section 1902(a)(10)(A)(i)
16 when the individual received medical assistance correctly
17 paid on behalf of such individual under the State plan,
18 the State may only seek adjustment or recovery from the
19 individual’s estate for medical assistance consisting of
20 services described in clause (i) of paragraph (1)(B).”.

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