

116TH CONGRESS  
1ST SESSION

# S. 2377

To apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, 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 Account-  
5 ability Act”.

1 **SEC. 2. APPLICATION OF MEDICAID ASSET TEST TO ALL AP-**  
2 **PLICANTS FOR, AND RECIPIENTS OF, MED-**  
3 **ICAL ASSISTANCE IN ALL STATES AND TERRI-**  
4 **TORIES.**

5 (a) APPLICATION TO ALL APPLICANTS AND RECIPI-  
6 ENTS.—Section 1940(b)(1)(A) of the Social Security Act  
7 (42 U.S.C. 1396w(b)(1)(A)) is amended by striking “on  
8 the basis of being aged, blind, or disabled”.

9 (b) APPLICATION TO THE TERRITORIES.—Section  
10 1940(a) of such Act (42 U.S.C. 1396w(a)) is amended by  
11 striking paragraph (4).

12 (c) EFFECTIVE DATE.—The amendments made by  
13 subsections (a) and (b) shall take effect on the date of  
14 enactment of this Act.

15 (d) PHASE-IN IMPLEMENTATION.—

16 (1) IN GENERAL.—During the 180 day period  
17 that begins on the date of enactment of this Act, the  
18 Secretary of Health and Human Services shall re-  
19 quire States to submit and implement an asset  
20 verification program under section 1940 of the So-  
21 cial Security Act (as amended by subsections (a) and  
22 (b)) in such manner as is designed to result in the  
23 application of such programs, in the aggregate for  
24 all States, to enrollment of approximately, but not  
25 less than, the following percentage of enrollees, in

1 the aggregate for all States, by the end of the fiscal  
2 year involved:

3 (A) 12.5 percent by the end of fiscal year  
4 2020.

5 (B) 25 percent by the end of fiscal year  
6 2021.

7 (C) 50 percent by the end of fiscal year  
8 2022.

9 (D) 75 percent by the end of fiscal year  
10 2023.

11 (E) 100 percent by the end of fiscal year  
12 2024.

13 (2) CONSIDERATION.—In selecting States under  
14 paragraph (1), the Secretary of Health and Human  
15 Services shall consult with the States involved and  
16 take into account the feasibility of implementing  
17 asset verification programs in each such State.

18 (3) CONSTRUCTION.—Nothing in paragraph (1)  
19 shall be construed as preventing a State from re-  
20 questing, and the Secretary of Health and Human  
21 Services from approving, the implementation of an  
22 asset verification program in advance of the deadline  
23 otherwise established under such paragraph.

1 **SEC. 3. MEDICAID RESOURCES ELIGIBILITY REQUIRE-**  
 2 **MENT.**

3 (a) IN GENERAL.—Section 1902(e)(14)(C) of the So-  
 4 cial Security Act (42 U.S.C. 1396a(e)(14)(C)) is amended  
 5 to read as follows—

6 “(C) RESOURCES TEST REQUIREMENT.—

7 “(i) IN GENERAL.—Notwithstanding  
 8 any other provision of this title, in the case  
 9 of any individual with respect to whom a  
 10 determination of income eligibility for med-  
 11 ical assistance under the State plan or  
 12 under any waiver of such plan is required,  
 13 the State shall also apply a resources eligi-  
 14 bility test that meets the requirement of  
 15 clause (ii).

16 “(ii) REQUIREMENT.—A State re-  
 17 sources eligibility test meets the require-  
 18 ment of this clause if the test precludes eli-  
 19 gibility for any individual whose resources  
 20 (as determined under section 1613 for pur-  
 21 poses of the supplemental security income  
 22 program) exceed the maximum amount of  
 23 resources that an individual may have and  
 24 obtain benefits under that program, or  
 25 such lower amount of resources as the  
 26 State shall establish.”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Subject to paragraph (2),  
3 the amendment made by subsection (a) shall take ef-  
4 fect on October 1, 2020.

5 (2) RULE FOR CHANGES REQUIRING STATE  
6 LEGISLATION.—In the case of a State plan under  
7 title XIX of the Social Security Act (42 U.S.C. 1396  
8 et seq.) which the Secretary of Health and Human  
9 Services determines requires State legislation (other  
10 than legislation appropriating funds) in order for the  
11 plan to meet the additional requirement imposed by  
12 the amendment made by subsection (a), the State  
13 plan shall not be regarded as failing to comply with  
14 the requirements of such title solely on the basis of  
15 its failure to meet this additional requirement before  
16 the first day of the first calendar quarter beginning  
17 after the close of the first regular session of the  
18 State legislature that begins after the date of the en-  
19 actment of this Act. For purposes of the previous  
20 sentence, in the case of a State that has a 2-year  
21 legislative session, each year of such session shall be  
22 deemed to be a separate regular session of the State  
23 legislature.

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