

118TH CONGRESS
2D SESSION

H. R. 8108

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2024

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title XIX of the Social Security Act to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces.

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. MEDICAID STATE PLAN REQUIREMENT FOR DE-**
2 **TERMINING RESIDENCY AND COVERAGE FOR**
3 **MILITARY FAMILIES.**

4 Section 1902 of the Social Security Act (42 U.S.C.
5 1396a) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (86), by striking “and”
8 at the end;

9 (B) in paragraph (87), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by inserting after paragraph (87) the
12 following new paragraph:

13 “(88) beginning January 1, 2028, provide, with
14 respect to an active duty relocated individual (as de-
15 fined in subsection (uu)(1))—

16 “(A) that, in determining eligibility for
17 medical assistance under the State plan (or
18 waiver of such plan), the relocation described in
19 such subsection is deemed to be a temporary
20 absence for purposes of section 435.403(j)(3) of
21 title 42, Code of Federal Regulations (or any
22 successor regulation);

23 “(B) that if, at the time of such relocation,
24 such active duty relocated individual is on a
25 home and community-based services waiting list

1 (as defined in subsection (uu)(2)), such indi-
2 vidual remains on such list until—

3 “(i) the State completes an assess-
4 ment and renders a decision with respect
5 to the eligibility of such individual to re-
6 ceive the relevant home and community-
7 based services at the time a slot for such
8 services becomes available and, in the case
9 such decision is a denial of such eligibility,
10 such individual has exhausted the individ-
11 ual’s opportunity for a fair hearing in ac-
12 cordance with paragraph (3); or

13 “(ii) such individual elects to be re-
14 moved from such list; and

15 “(C) payment for medical assistance fur-
16 nished under the State plan (or a waiver of the
17 plan) to such active duty relocated individual in
18 the temporary relocation State (as referred to
19 in subsection (uu)(1)) in accordance with such
20 guidance as the Secretary may issue to ensure
21 access to such assistance.”; and

22 (2) by adding at the end the following new sub-
23 section:

1 “(uu) ACTIVE DUTY RELOCATED INDIVIDUAL; HOME
2 AND COMMUNITY-BASED SERVICES WAITING LIST.—For
3 purposes of subsection (a)(88) and this subsection:

4 “(1) ACTIVE DUTY RELOCATED INDIVIDUAL.—
5 The term ‘active duty relocated individual’ means an
6 individual enrolled under the State plan (or waiver
7 of such plan)—

8 “(A) who—

9 “(i) is a member of the Armed Forces
10 engaged in active duty service and is tem-
11 porarily relocated (as specified by the Sec-
12 retary) to another State (in this subsection
13 referred to as the ‘temporary relocation
14 State’) by reason of such service;

15 “(ii) at any point during the pre-
16 ceding 1-year period, was such a member
17 so engaged in such service and was tempo-
18 rarily relocated to the temporary relocation
19 State by reason of such service, but is no
20 longer so engaged in such service (includ-
21 ing by reason of retirement from such
22 service); or

23 “(iii) is a dependent (as defined by
24 the Secretary) of a member described in
25 clause (i) or (ii) who temporarily relocates

1 to the temporary relocation State with
2 such member; and

3 “(B) who—

4 “(i) was receiving home and commu-
5 nity-based services (as defined in section
6 9817(a)(2)(B) of the American Rescue
7 Plan Act of 2021) at the time of such relo-
8 cation; or

9 “(ii) if the State maintains a home
10 and community-based services waiting list,
11 was on such home and community-based
12 services waiting list at the time of such re-
13 location.

14 “(2) HOME AND COMMUNITY-BASED SERVICES
15 WAITING LIST.—The term ‘home and community-
16 based services waiting list’ means, in the case of a
17 State that has a limit on the number of individuals
18 who may receive home and community-based services
19 under section 1115(a) or section 1915(c), a list
20 maintained by such State of individuals who have
21 applied to receive such services under either such
22 section but for whom the State has not yet com-
23 pleted an assessment and rendered a decision with
24 respect to the eligibility of such individuals to receive
25 the relevant home and community-based services at

- 1 the time a slot for such services becomes available
- 2 due to such limit.”.

Passed the House of Representatives September 23,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.