

104TH CONGRESS
2D SESSION

H. R. 4250

To amend title XIX of the Social Security Act to permit a State the option of covering community-based attendant services under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Mr. GUNDERSON (for himself and Mr. GINGRICH) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to permit a State the option of covering community-based attendant services under the Medicaid program.

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. OPTIONAL COVERAGE OF COMMUNITY-BASED**
4 **ATTENDANT SERVICES UNDER THE MEDIC-**
5 **AID PROGRAM.**

6 (a) COVERAGE.—

7 (1) IN GENERAL.—Section 1905 of the Social
8 Security Act (42 U.S.C. 1396d) is amended—

9 (A) in subsection (a)—

1 (i) by striking “and” at the end of
2 paragraph (24),

3 (ii) by redesignating paragraph (25)
4 as paragraph (26), and

5 (iii) by inserting after paragraph (24)
6 the following new paragraph:

7 “(25) subject to subsection (t)(3), qualified
8 community-based attendant services (as defined in
9 subsection (t)(1)); and”;

10 (B) by adding at the end the following new
11 subsection:

12 “(t)(1) The term ‘qualified community-based attend-
13 ant services’ means community-based attendant services
14 furnished to individuals under a plan of care if all the fol-
15 lowing conditions are met:

16 “(A) The individuals to whom the services are
17 furnished select, manage, and control the attendant
18 services to be provided.

19 “(B) Attendant services would be covered only
20 if they are home or community-based and are not
21 provided in a nursing facility or other institutional
22 facility.

23 “(C) Eligibility for such coverage would be lim-
24 ited to those who required such services based on
25 functional need.

1 “(D) Such services would be available in home
2 and in other locations, including school, work, recre-
3 ation and church.

4 “(E) Such services would be available on an as-
5 needed basis.

6 “(F) Backup and emergency attendant services
7 would be available.

8 “(G) Notwithstanding section 1916, a State
9 may impose copayments and cost-sharing for individ-
10 uals for attendant services based on the income of
11 individuals involved and in a manner so as not to be
12 a disincentive for employment.

13 “(H) Coverage of services could be effected
14 through any appropriate means, which may include
15 through provision of vouchers to eligible individuals,
16 through direct cash payment, through an individual
17 provider model, or through a consumer-directed
18 agency model.

19 “(I) Voluntary training should be available to
20 recipients on how to select, manage, and dismiss at-
21 tendants.

22 “(J) The particular attendant services to be
23 covered for an eligible individual would be based on
24 a service delivery plan that is agreed upon by the in-
25 dividual and the attendants.

1 “(K) Health-related tasks included within such
2 services could be delegated to (or performed by) un-
3 licensed personal attendants.

4 “(L) The State provides for the periodic sub-
5 mission to the Secretary of reports on the coverage
6 of such services under this subsection.

7 “(2) Medical assistance for qualified community-
8 based attendant services need not be made available in all
9 geographic areas of a State or to all beneficiaries, notwith-
10 standing anything to the contrary in section 1902(a)(1)
11 or section 1902(a)(10)(B).

12 “(3) Medical assistance for qualified community-
13 based attendant services may not be made available by a
14 State under section 1905(a)(25) unless the State estab-
15 lishes that the provision of medical assistance with respect
16 to such services will not increase the Federal payments
17 made under this title above the level of such payments
18 if such medical assistance under such section had not been
19 provided.”.

20 (2) CONFORMING AMENDMENTS.—(A) Section
21 1902(j) (42 U.S.C. 1396a(j)) is amended by striking
22 “(25)” and inserting “(26)”.

23 (B) Section 1902(a)(10)(C)(iv) (42 U.S.C.
24 1396a(a)(10)(C)(iv)) is amended by striking “(24)”
25 and inserting “(25)”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply to services furnished on or after
3 the date of the enactment of this Act.

4 (c) REPORTS TO CONGRESS.—The Secretary of Sec-
5 retary of Health and Human Services shall submit to Con-
6 gress periodic reports on the impact of the amendments
7 made by this section on medicaid beneficiaries, States, and
8 the Federal Government.

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