

113TH CONGRESS
2D SESSION

H. R. 4390

To amend title XIX of the Social Security Act to protect the enrollment of incarcerated youth for medical assistance under the Medicaid program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2014

Mr. CÁRDENAS (for himself, Ms. BASS, Mr. GRIJALVA, Ms. NORTON, and Mr. RANGEL) 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 protect the enrollment of incarcerated youth for medical assistance under the Medicaid program, 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 “At-Risk Youth Med-
5 icaid Protection Act of 2014”.

6 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

7 (a) IN GENERAL.—Section 1902 of the Social Secu-
8 rity Act (42 U.S.C. 1396a) is amended—

1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-
3 graph (80);

4 (B) by striking the period at the end of
5 paragraph (81) and inserting “; and”; and

6 (C) by inserting after paragraph (81) the
7 following new paragraph:

8 “(82) provide that—

9 “(A) the State shall not terminate (but
10 may suspend) enrollment under a State plan for
11 medical assistance for an individual who is an
12 eligible juvenile (as defined in subsection (ll)(2))
13 because the juvenile is an inmate of a public in-
14 stitution (as defined in subsection (ll)(3));

15 “(B) the State shall automatically restore
16 enrollment for such medical assistance to such
17 an individual upon the individual’s release from
18 any such public institution and shall take all
19 necessary steps to ensure the enrollment is ef-
20 fective immediately upon release from such in-
21 stitution, unless (and until such date as) there
22 is a determination that the individual no longer
23 meets the eligibility requirements for such med-
24 ical assistance; and

1 “(C) the State shall process any applica-
2 tion for medical assistance submitted by, or on
3 behalf of, a juvenile who is an inmate of a pub-
4 lic institution notwithstanding that the juvenile
5 is such an inmate.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(11) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTI-
9 TUTION.—For purposes of subsection (a)(82) and this
10 subsection:

11 “(1) JUVENILE.—The term ‘juvenile’ means an
12 individual who is—

13 “(A) under 19 years of age (or such higher
14 age as the State has elected under section
15 475(8)(B)(iii)); or

16 “(B) is described in subsection
17 (a)(10)(A)(i)(IX).

18 “(2) ELIGIBLE JUVENILE.—The term ‘eligible
19 juvenile’ means a juvenile who is an inmate of a
20 public institution and was enrolled for medical as-
21 sistance under the State plan immediately before be-
22 coming an inmate of such a public institution or who
23 becomes eligible to enroll for such medical assistance
24 while an inmate of a public institution.

1 “(3) INMATE OF A PUBLIC INSTITUTION.—The
2 term ‘inmate of a public institution’ has the meaning
3 given such term for purposes of applying the sub-
4 division (A) following paragraph (29) of section
5 1905(a), taking into account the exception in such
6 subdivision for a patient of a medical institution.”.

7 (b) NO CHANGE IN EXCLUSION FROM MEDICAL AS-
8 SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—
9 Nothing in this section shall be construed as changing the
10 exclusion from medical assistance under the subdivision
11 (A) following paragraph (29) of section 1905(a) of the So-
12 cial Security Act (42 U.S.C. 1396d(a)), including any ap-
13 plicable restrictions on a State submitting claims for Fed-
14 eral financial participation under title XIX of such Act
15 for such assistance.

16 (c) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the amendments made by subsection (a)
19 shall apply to eligibility and enrollment of juveniles
20 who become inmates of public institutions on or
21 after the date that is 1 year after the date of the
22 enactment of this Act.

23 (2) RULE FOR CHANGES REQUIRING STATE
24 LEGISLATION.—In the case of a State plan for med-
25 ical assistance under title XIX of the Social Security

1 Act which the Secretary of Health and Human Serv-
2 ices determines requires State legislation (other than
3 legislation appropriating funds) in order for the plan
4 to meet the additional requirements imposed by the
5 amendments made by subsection (a), the State plan
6 shall not be regarded as failing to comply with the
7 requirements of such title solely on the basis of its
8 failure to meet these additional requirements before
9 the first day of the first calendar quarter beginning
10 after the close of the first regular session of the
11 State legislature that begins after the date of the en-
12 actment of this Act. For purposes of the previous
13 sentence, in the case of a State that has a 2-year
14 legislative session, each year of such session shall be
15 deemed to be a separate regular session of the State
16 legislature.

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