

116TH CONGRESS  
2D SESSION

# H. R. 6584

To amend title XIX of the Social Security Act to provide for a temporary increase in Medicaid DSH allotments during the COVID–19 emergency period, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2020

Ms. KELLY of Illinois (for herself and Mr. GOMEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to provide for a temporary increase in Medicaid DSH allotments during the COVID–19 emergency period, 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. TEMPORARY INCREASE IN MEDICAID DSH AL-**  
4 **LOTMENTS DURING COVID–19 EMERGENCY**  
5 **PERIOD.**

6 (a) IN GENERAL.—Section 1923(f)(3) of the Social  
7 Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

1           (1) in subparagraph (A), by striking “and sub-  
2           paragraph (E)” and inserting “and subparagraphs  
3           (E) and (F)”; and

4           (2) by adding at the end the following new sub-  
5           paragraph:

6                   “(F) TEMPORARY INCREASE IN ALLOT-  
7                   MENTS DURING CERTAIN PUBLIC HEALTH  
8                   EMERGENCY.—The DSH allotment for any  
9                   State is—

10                           “(i) for fiscal year 2020, equal to  
11                           102.5 percent of the DSH allotment that  
12                           would be determined under this paragraph  
13                           for the State for fiscal year 2020 without  
14                           application of this subparagraph, notwith-  
15                           standing subparagraphs (B) and (C); and

16                           “(ii) for a subsequent fiscal year (if  
17                           any) during which the emergency period  
18                           defined in paragraph (1)(B) of section  
19                           1135(g) is in effect, equal to 102.5 percent  
20                           of the DSH allotment determined under  
21                           this subparagraph for the State for the  
22                           previous fiscal year.

23           For each fiscal year after fiscal year 2020 dur-  
24           ing which the emergency period described in  
25           clause (ii) is not in effect, the DSH allotment

1 for a State for such fiscal year is equal to the  
2 DSH allotment that would have been deter-  
3 mined under this paragraph for such fiscal year  
4 if this subparagraph had not been enacted.”.

5 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-  
6 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security  
7 Act (42 U.S.C. 1396r-4(f)(6)(A)(vi)) is amended—

8 (1) by striking “Notwithstanding any other pro-  
9 vision of this subsection” and inserting the fol-  
10 lowing:

11 “(I) IN GENERAL.—Notwith-  
12 standing any other provision of this  
13 subsection (except as provided in sub-  
14 clause (II) of this clause)”;

15 (2) by adding at the end the following:

16 “(II) TEMPORARY INCREASE IN  
17 ALLOTMENTS DURING CERTAIN PUB-  
18 LIC HEALTH EMERGENCY.—For any  
19 of fiscal years 2020 through 2025, if  
20 the emergency period defined in para-  
21 graph (1)(B) of section 1135(g) is in  
22 effect during such fiscal year, the  
23 DSH allotment for Tennessee for  
24 such fiscal year shall be  
25 \$54,427,500.”.

1           (c) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that a State should prioritize making payments  
3 under the State plan of the State under title XIX of the  
4 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver  
5 of such plan) to disproportionate share hospitals that have  
6 a higher share of COVID–19 patients relative to other  
7 such hospitals in the State.

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