

116TH CONGRESS
1ST SESSION

S. 2000

To amend title XIX of the Social Security Act to remove an institutional bias by making permanent the protection for recipients of home and community-based services against spousal impoverishment.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mr. CASEY (for himself, Ms. SMITH, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. BROWN, Ms. STABENOW, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to remove an institutional bias by making permanent the protection for recipients of home and community-based services against spousal impoverishment.

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. MAKING PERMANENT THE PROTECTION**
2 **UNDER MEDICAID FOR RECIPIENTS OF HOME**
3 **AND COMMUNITY-BASED SERVICES AGAINST**
4 **SPOUSAL IMPOVERISHMENT.**

5 (a) IN GENERAL.—Section 1924(h)(1)(A) of the So-
6 cial Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amend-
7 ed by striking “or who (at the option of the State) is de-
8 scribed in section 1902(a)(10)(A)(ii)(VI)” and inserting
9 the following: “or who, before October 1, 2019, at the op-
10 tion of the State, is described in section
11 1902(a)(10)(A)(ii)(VI) or, beginning October 1, 2019, is
12 eligible for medical assistance for home and community-
13 based services provided under subsection (c), (d), or (i)
14 of section 1915, under a waiver approved under section
15 1115, or who is eligible for such medical assistance by rea-
16 son of being determined eligible under section
17 1902(a)(10)(C) or by reason of section 1902(f) or other-
18 wise on the basis of a reduction of income based on costs
19 incurred for medical or other remedial care, or who is eligi-
20 ble for medical assistance for home and community-based
21 attendant services and supports under section 1915(k)”.

22 (b) RULE OF CONSTRUCTION.—Nothing in section
23 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note),
24 section 1924 of the Social Security Act (42 U.S.C. 1396r–
25 5), or section 1902(a)(17) of such Act (42 U.S.C.
26 1396a(a)(17)) shall be construed as prohibiting a State

1 from applying an income or resource disregard authorized
2 under section 1902(r)(2) of such Act (42 U.S.C.
3 1396a(r)(2))—

4 (1) to the income or resources of individuals de-
5 scribed in section 1902(a)(10)(A)(ii)(VI) of such Act
6 (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a
7 disregard of the income or resources of such individ-
8 ual's spouse); or

9 (2) on the basis of an individual's need for
10 home and community-based services authorized
11 under subsection (c), (d), (i), or (k) of section 1915
12 of such Act (42 U.S.C. 1396n) or under section
13 1115 of such Act (42 U.S.C. 1315).

○