

116TH CONGRESS  
1ST SESSION

# S. 548

To reauthorize the Money Follows the Person Demonstration Program.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2019

Mr. PORTMAN (for himself and Ms. CANTWELL) introduced the following bill;  
which was read twice and referred to the Committee on Finance

---

## A BILL

To reauthorize the Money Follows the Person Demonstration  
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. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Medicaid  
5 Provides Opportunities for Widespread Equity, Resources,  
6 and Care Act” or the “EMPOWER Care Act”.

7 **SEC. 2. EXTENSION OF MONEY FOLLOWS THE PERSON RE-**  
8 **BALANCING DEMONSTRATION.**

9 (a) FUNDING.—Section 6071(h) of the Deficit Re-  
10 duction Act of 2005 (42 U.S.C. 1396a note) is amended—

11 (1) in paragraph (1)—

1 (A) in subparagraph (E), by striking  
2 “and” after the semicolon;

3 (B) in subparagraph (F)—

4 (i) by striking “subject to subpara-  
5 graph (3), \$112,000,000” and inserting  
6 “\$450,000,000”; and

7 (ii) by striking the period at the end  
8 and inserting “; and”; and

9 (C) by adding at the end the following new  
10 subparagraph:

11 “(G) \$450,000,000 for each of fiscal years  
12 2020 through 2023.”;

13 (2) in paragraph (2)—

14 (A) by striking “Subject to paragraph (3),  
15 amounts” and inserting “Amounts”; and

16 (B) by striking “2021” and inserting  
17 “2023”; and

18 (3) by striking paragraph (3).

19 (b) RESEARCH AND EVALUATION.—Section 6071(g)  
20 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a  
21 note) is amended—

22 (1) in paragraph (2), by striking “2016” and  
23 inserting “2023”; and

24 (2) in paragraph (3), by inserting “and for each  
25 of fiscal years 2019 through 2023,” after “2016,”.

1 **SEC. 3. CHANGES TO INSTITUTIONAL RESIDENCY PERIOD**  
2 **REQUIREMENT.**

3 (a) **IN GENERAL.**—Section 6071(b)(2) of the Deficit  
4 Reduction Act of 2005 (42 U.S.C. 1396a note) is amend-  
5 ed—

6 (1) in subparagraph (A)(i), by striking “90”  
7 and inserting “60”; and

8 (2) by striking the flush sentence after subpara-  
9 graph (B).

10 (b) **EFFECTIVE DATE.**—The amendments made by  
11 subsection (a) shall take effect on the date that is 30 days  
12 after the date of enactment of this Act.

13 **SEC. 4. UPDATES TO STATE APPLICATION REQUIREMENTS.**

14 Section 6071(c) of the Deficit Reduction Act of 2005  
15 (42 U.S.C. 1396a note) is amended—

16 (1) in paragraph (3), by striking “, which shall  
17 include” and all that follows through “2007”;

18 (2) in paragraph (7)—

19 (A) in the paragraph heading, by striking  
20 “REBALANCING” and inserting “EXPENDI-  
21 TURES”; and

22 (B) in subparagraph (B)—

23 (i) in clause (i), by striking “and”  
24 after the semicolon;

1           (ii) in clause (ii), by striking the pe-  
2           riod at the end and inserting a semicolon;  
3           and

4           (iii) by adding at the end the fol-  
5           lowing:

6           “(iii) include a work plan that describes  
7           for each Federal fiscal year that occurs during  
8           the proposed MFP demonstration project—

9           “(I) the use of grant funds for each  
10           proposed initiative that is designed to ac-  
11           complish the objective described in sub-  
12           section (a)(1), including a funding source  
13           for each activity that is part of each such  
14           proposed initiative;

15           “(II) an evaluation plan that identi-  
16           fies expected results for each such pro-  
17           posed initiative; and

18           “(III) a sustainability plan for compo-  
19           nents of such proposed initiatives that are  
20           intended to improve transitions, which  
21           shall be updated with actual expenditure  
22           information for each Federal fiscal year  
23           that occurs during the MFP demonstration  
24           project; and

1           “(iv) contain assurances that grant funds  
2           used to accomplish the objective described in  
3           subsection (a)(1) shall be obligated not later  
4           than 24 months after the date on which the  
5           funds are awarded and shall be expended not  
6           later than 60 months after the date on which  
7           the funds are awarded (unless the Secretary ap-  
8           proves a waiver of either such requirement).”;  
9           and

10          (3) in paragraph (13)—

11           (A) in subparagraph (A), by striking “;  
12           and” and inserting “, and in such manner as  
13           will meet the reporting requirements set forth  
14           for the Transformed Medicaid Statistical Man-  
15           agement Information System (T-MSIS);”;

16           (B) by redesignating subparagraph (B) as  
17           subparagraph (D); and

18           (C) by inserting after subparagraph (A)  
19           the following:

20           “(B) the State shall report on a quarterly  
21           basis on the use of grant funds by distinct ac-  
22           tivity, as described in the approved work plan,  
23           and by specific population as targeted by the  
24           State;

1           “(C) if the State fails to report the infor-  
2           mation required under subparagraph (B), fails  
3           to report such information on a quarterly basis,  
4           or fails to make progress under the approved  
5           work plan, the State shall implement a correc-  
6           tive action plan and any lack of progress under  
7           the approved work plan may result in with-  
8           holding of grant funds made available to the  
9           State; and”.

10 **SEC. 5. FUNDING FOR QUALITY ASSURANCE AND IMPROVE-**  
11 **MENT; TECHNICAL ASSISTANCE; OVERSIGHT.**

12           Section 6071(f) of the Deficit Reduction Act of 2005  
13 (42 U.S.C. 1396a note) is amended by striking paragraph  
14 (2) and inserting the following:

15           “(2) FUNDING.—From the amounts appro-  
16           priated under subsection (h)(1) for each of fiscal  
17           years 2019 through 2023, \$1,000,000 shall be avail-  
18           able to the Secretary for each such fiscal year to  
19           carry out this subsection.”.

20 **SEC. 6. BEST PRACTICES EVALUATION.**

21           Section 6071 of the Deficit Reduction Act of 2005  
22 (42 U.S.C. 1396a note) is amended by adding at the end  
23 the following:

24           “(i) BEST PRACTICES.—

1           “(1) REPORT.—The Secretary, directly or  
2 through grant or contract, shall submit a report to  
3 the President and Congress not later than Sep-  
4 tember 30, 2020, that contains findings and conclu-  
5 sions on best practices from the State MFP dem-  
6 onstration projects carried out with grants made  
7 under this section. The report shall include informa-  
8 tion and analyses with respect to the following:

9           “(A) The most effective State strategies  
10 for transitioning beneficiaries from institutional  
11 to qualified community settings carried out  
12 under the State MFP demonstration projects  
13 and how such strategies may vary for different  
14 types of beneficiaries, such as beneficiaries who  
15 are aged, physically disabled, intellectually or  
16 developmentally disabled, or individuals with se-  
17 rious mental illnesses, and other targeted waiv-  
18 er beneficiary populations.

19           “(B) The most common and the most ef-  
20 fective State uses of grant funds carried out  
21 under the State MFP demonstration projects  
22 for transitioning beneficiaries from institutional  
23 to qualified community settings and improving  
24 health outcomes, including differentiating fund-  
25 ing for current initiatives that are designed for

1 such purpose and funding for proposed initia-  
2 tives that are designed for such purpose.

3 “(C) The most effective State approaches  
4 carried out under State MFP demonstration  
5 projects for improving person-centered care and  
6 planning.

7 “(D) Identification of program, financing,  
8 and other flexibilities available under the State  
9 MFP demonstration projects, that are not  
10 available under the traditional Medicaid pro-  
11 gram, and which directly contributed to suc-  
12 cessful transitions and improved health out-  
13 comes under the State MFP demonstration  
14 projects.

15 “(E) State strategies and financing mecha-  
16 nisms for effective coordination of housing fi-  
17 nanced or supported under State MFP dem-  
18 onstration projects with local housing authori-  
19 ties and other resources.

20 “(F) Effective State approaches for deliv-  
21 ering Money Follows the Person transition serv-  
22 ices through managed care entities.

23 “(G) Other best practices and effective  
24 transition strategies demonstrated by States



1 with approved MFP demonstration projects, as  
 2 determined by the Secretary.

3 “(H) Identification and analyses of oppor-  
 4 tunities and challenges to integrating effective  
 5 Money Follows the Person practices and State  
 6 strategies into the traditional Medicaid pro-  
 7 gram.

8 “(2) COLLABORATION.—In preparing the report  
 9 required under this subsection, the Secretary shall  
 10 collect and incorporate information from States with  
 11 approved MFP demonstration projects and bene-  
 12 ficiaries participating in such projects, and providers  
 13 participating in such projects.

14 “(3) FUNDING.—From the amounts appro-  
 15 priated under subsection (h)(1) for each of fiscal  
 16 years 2019 through 2020, not more than \$300,000  
 17 shall be available to the Secretary for each such fis-  
 18 cal year to carry out this subsection.”.

19 **SEC. 7. MACPAC REPORT ON QUALIFIED SETTINGS CRI-**  
 20 **TERIA.**

21 Section 6071 of the Deficit Reduction Act of 2005  
 22 (42 U.S.C. 1396a note), as amended by section 6, is  
 23 amended by adding at the end the following:

24 “(j) MACPAC REPORT.—Prior to the final imple-  
 25 mentation date established by the Secretary for the cri-

1 teria established for home and community-based settings  
2 in section 441.301(c)(4) of title 42, Code of Federal Regu-  
3 lations, as part of final implementation of the Home and  
4 Community Based Services (HCBS) Final Rule published  
5 on January 16, 2014 (79 Fed. Reg. 2947) (referred to  
6 in this subsection as the ‘HCBS final rule’), the Medicaid  
7 and CHIP Payment and Access Commission (MACPAC)  
8 shall submit to Congress a report that—

9           “(1) identifies the types of home and commu-  
10           nity-based settings and associated services that are  
11           available to eligible individuals in both the MFP  
12           demonstration program and sites in compliance with  
13           the HCBS final rule; and

14           “(2) if determined appropriate by the Commis-  
15           sion, recommends policies to align the criteria for a  
16           qualified residence under subsection (b)(6) (as in ef-  
17           fect on October 1, 2017) with the criteria in the  
18           HCBS final rule.”.

19 **SEC. 8. APPLICATION TO CURRENT PROJECTS.**

20           Not later than 1 year after the date of enactment  
21 of this Act, any State with an approved MFP demonstra-  
22 tion project under section 6071 of the Deficit Reduction  
23 Act of 2005 (42 U.S.C. 1396a note) on the date of enact-  
24 ment of this Act shall submit a revised application to the  
25 Secretary that contains the same information and assur-

1 ances as are required for any new State applicant under  
2 the amendments made by this Act.

○