

116TH CONGRESS
1ST SESSION

H. R. 1343

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 HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2019

Mrs. DINGELL (for herself and Mr. UPTON) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Married
5 Seniors from Impoverishment Act”.

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

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

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