

118TH CONGRESS  
1ST SESSION

# H. R. 1795

To amend the Internal Revenue Code of 1986 to allow qualified distributions from health savings accounts for certain home care expenses.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2023

Mr. SMITH of Nebraska (for himself, Ms. PORTER, Mr. BACON, Mr. TONKO, Mr. FLOOD, Ms. LOIS FRANKEL of Florida, Mr. FITZPATRICK, Mr. NEGUSE, Mr. BALDERSON, and Mr. MEUSER) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend the Internal Revenue Code of 1986 to allow qualified distributions from health savings accounts for certain home care expenses.

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 “Homecare for Seniors  
5 Act”.

1 **SEC. 2. CERTAIN HOME CARE EXPENSES TREATED AS**  
2 **QUALIFIED DISTRIBUTIONS FROM HEALTH**  
3 **SAVINGS ACCOUNTS.**

4 (a) **IN GENERAL.**—Section 223(d)(2) of the Internal  
5 Revenue Code of 1986 is amended—

6 (1) by striking “medical care (as defined in sec-  
7 tion 213(d))” in subparagraph (A) and inserting  
8 “specified medical care”, and

9 (2) by adding at the end the following new sub-  
10 paragraph:

11 “(E) **SPECIFIED MEDICAL CARE.**—For  
12 purposes of this paragraph—

13 “(i) **IN GENERAL.**—The term ‘speci-  
14 fied medical care’ means medical care (as  
15 defined in section 213(d)) and qualified  
16 home care.

17 “(ii) **QUALIFIED HOME CARE.**—The  
18 term ‘qualified home care’ means a con-  
19 tract to provide 3 or more of the following  
20 services in the residence of the service re-  
21 cipient:

22 “(I) Assistance with eating.

23 “(II) Assistance with toileting.

24 “(III) Assistance with transfer-  
25 ring.

26 “(IV) Assistance with bathing.

1 “(V) Assistance with dressing.

2 “(VI) Assistance with continence.

3 “(VII) Medication adherence.

4 Such term shall not include any contract  
5 unless the services provided pursuant to  
6 such contract are provided by a service  
7 provider which is licensed by the State to  
8 provide such services or such services are  
9 otherwise provided in a manner that is  
10 consistent with State requirements.

11 “(iii) RELATED PARTIES.—The term  
12 ‘qualified home care’ shall not include any  
13 contract which is, directly or indirectly, be-  
14 tween a service provider and a service re-  
15 cipient who are related within the meaning  
16 of section 267(b) or 707(b).”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to amounts paid with respect to  
19 taxable years beginning after the date of the enactment  
20 of this Act.

21 (c) PROMOTION OF PUBLIC AWARENESS OF IN-  
22 HOME SERVICE EXPENSES ELIGIBLE FOR TAX-FREE  
23 DISTRIBUTION FROM HEALTH SAVINGS ACCOUNTS.—The  
24 Secretary of Health and Human Services, in consultation  
25 with the Secretary of the Treasury, shall carry out a cam-

- 1 paign to increase public awareness of the in-home service
- 2 expenses that are eligible for tax-free distribution from
- 3 health savings accounts.

