

112TH CONGRESS
1ST SESSION

H. R. 3172

To amend title XIX of the Social Security Act to protect the eligibility of incarcerated youth for medical assistance.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. MURPHY of Connecticut 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 protect the eligibility of incarcerated youth for medical assistance.

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 “At-Risk Youth Med-
5 icaid Protection Act”.

6 **SEC. 2. AT-RISK YOUTH MEDICAID PROTECTION.**

7 (a) IN GENERAL.—Section 1902(a) of the Social Se-
8 curity Act (42 U.S.C. 1396a) is amended—

9 (1) by striking “and” at the end of paragraph
10 (82)(C);

1 (2) by striking the period at the end of para-
2 graph (83) and inserting “; and”; and

3 (3) by inserting after paragraph (83) the fol-
4 lowing new paragraph:

5 “(84)(A) provide that in the case of an eligible
6 juvenile—

7 “(i) the State shall not terminate (but
8 shall suspend) eligibility for medical assist-
9 ance for such juvenile during the period
10 that such individual is an inmate of a pub-
11 lic institution, but shall establish a process
12 to ensure that—

13 “(I) the State does not claim
14 Federal financial participation for
15 items and services that are excluded
16 from the definition of medical assist-
17 ance under subdivision (A) (following
18 paragraph (29)) in section 1905(a);
19 and

20 “(II) ensures that the eligible ju-
21 venile receives (other than under this
22 title) items and services which are in-
23 cluded in the definition of medical as-
24 sistance and for which Federal finan-
25 cial participation would have other-

1 wise been permitted but for the status
2 of the juvenile as such an inmate; and

3 “(ii) the State shall automatically re-
4 store full eligibility for such medical assist-
5 ance to such eligible juvenile upon release
6 from such institution and shall take all
7 necessary steps to ensure that such juve-
8 nile can begin receiving medical assistance
9 under this title immediately upon release
10 from such institution, unless (and until
11 such date) there is a determination that
12 the juvenile no longer meets the State or
13 Federal eligibility requirements for such
14 medical assistance.

15 “(B) For purposes of this paragraph, the
16 term ‘eligible juvenile’ means an individual
17 who—

18 “(i) is 21 years of age or younger;

19 “(ii) was enrolled for medical assist-
20 ance under the State plan immediately be-
21 fore becoming an inmate of a public insti-
22 tution;

23 “(iii) on the expected date of release
24 of such individual from such institution—

1 “(I) will be 21 years of age or
2 younger; and

3 “(II) notwithstanding subdivision
4 (A) (following paragraph (29)), in sec-
5 tion 1905(a), will be eligible for med-
6 ical assistance under the State plan.”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by subsection (a)
10 shall take effect 6 months after the date of the en-
11 actment of this Act and shall apply to eligibility and
12 enrollment on or after such date.

13 (2) RULE FOR CHANGES REQUIRING STATE
14 LEGISLATION.—In the case of a State plan for med-
15 ical assistance under title XIX of the Social Security
16 Act which the Secretary of Health and Human Serv-
17 ices determines requires State legislation (other than
18 legislation appropriating funds) in order for the plan
19 to meet the additional requirement imposed by the
20 amendments made by this subsection, the State plan
21 shall not be regarded as failing to comply with the
22 requirements of such title solely on the basis of its
23 failure to meet this additional requirement before
24 the first day of the first calendar quarter beginning
25 after the close of the first regular session of the

1 State legislature that begins after the date of the en-
2 actment of this Act. For purposes of the previous
3 sentence, in the case of a State that has a 2-year
4 legislative session, each year of such session shall be
5 deemed to be a separate regular session of the State
6 legislature.

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