

118TH CONGRESS  
2D SESSION

# H. R. 8110

To amend title XIX of the Social Security Act to make permanent the State option to extend protection against spousal impoverishment for recipients of home and community-based services under Medicaid.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2024

Mrs. DINGELL (for herself and Mr. JAMES) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to make permanent the State option to extend protection against spousal impoverishment for recipients of home and community-based services under Medicaid.

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 of 2024”.

1 **SEC. 2. MAKING PERMANENT THE STATE OPTION TO EX-**  
2 **TEND PROTECTION AGAINST SPOUSAL IM-**  
3 **POVERISHMENT FOR RECIPIENTS OF HOME**  
4 **AND COMMUNITY-BASED SERVICES UNDER**  
5 **MEDICAID.**

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

20 (b) **CONFORMING AMENDMENT.**—Section 2404 of the  
21 Patient Protection and Affordable Care Act (42 U.S.C.  
22 1396r–5 note) is amended by striking “September 30,  
23 2027” and inserting “the date of enactment of the Pro-  
24 tecting Married Seniors from Impoverishment Act of  
25 2024”.