

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2646  
OFFERED BY MR. CÁRDENAS OF CALIFORNIA**

Insert at the appropriate place the following:

**1 SEC. \_\_\_\_ . AT-RISK YOUTH MEDICAID PROTECTION.**

**2 (a) IN GENERAL.**—Section 1902 of the Social Secu-  
**3 rity Act (42 U.S.C. 1396a) is amended—**

**4 (1) in subsection (a)—**

**5 (A) by striking “and” at the end of para-**  
**6 graph (80);**

**7 (B) by striking the period at the end of**  
**8 paragraph (81) and inserting “; and”; and**

**9 (C) by inserting after paragraph (81) the**  
**10 following new paragraph:**

**11 “(82) provide that—**

**12 “(A) the State shall not terminate (but**  
**13 may suspend) enrollment under a State plan for**  
**14 medical assistance for an individual who is an**  
**15 eligible juvenile (as defined in subsection (l)(2))**  
**16 because the juvenile is an inmate of a public in-**  
**17 stitution (as defined in subsection (l)(3));**

**18 “(B) the State shall automatically restore**  
**19 enrollment for such medical assistance to such**

1 an individual upon the individual's release from  
2 any such public institution and shall take all  
3 necessary steps to ensure the enrollment is ef-  
4 fective immediately upon release from such in-  
5 stitution, unless (and until such date as) there  
6 is a determination that the individual no longer  
7 meets the eligibility requirements for such med-  
8 ical assistance; and

9 “(C) the State shall process any applica-  
10 tion for medical assistance submitted by, or on  
11 behalf of, a juvenile who is an inmate of a pub-  
12 lic institution notwithstanding that the juvenile  
13 is such an inmate.”; and

14 (2) by adding at the end the following new sub-  
15 section:

16 “(11) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTI-  
17 TUTION.—For purposes of subsection (a)(82) and this  
18 subsection:

19 “(1) JUVENILE.—The term ‘juvenile’ means an  
20 individual who is—

21 “(A) under 19 years of age (or such higher  
22 age as the State has elected under section  
23 475(8)(B)(iii)); or

24 “(B) is described in subsection  
25 (a)(10)(A)(i)(IX).

1           “(2) ELIGIBLE JUVENILE.—The term ‘eligible  
2       juvenile’ means a juvenile who is an inmate of a  
3       public institution and was enrolled for medical as-  
4       sistance under the State plan immediately before be-  
5       coming an inmate of such a public institution or who  
6       becomes eligible to enroll for such medical assistance  
7       while an inmate of a public institution.

8           “(3) INMATE OF A PUBLIC INSTITUTION.—The  
9       term ‘inmate of a public institution’ has the meaning  
10      given such term for purposes of applying the sub-  
11      division (A) following paragraph (29) of section  
12      1905(a), taking into account the exception in such  
13      subdivision for a patient of a medical institution.”.

14      (b) NO CHANGE IN EXCLUSION FROM MEDICAL AS-  
15      SISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—  
16      Nothing in this section shall be construed as changing the  
17      exclusion from medical assistance under the subdivision  
18      (A) following paragraph (29) of section 1905(a) of the So-  
19      cial Security Act (42 U.S.C. 1396d(a)), including any ap-  
20      plicable restrictions on a State submitting claims for Fed-  
21      eral financial participation under title XIX of such Act  
22      for such assistance.

23      (c) EFFECTIVE DATE.—

24           (1) IN GENERAL.—Except as provided in para-  
25      graph (2), the amendments made by subsection (a)

1       shall apply to eligibility and enrollment of juveniles  
2       who become inmates of public institutions on or  
3       after the date that is 1 year after the date of the  
4       enactment of this Act.

5               (2) RULE FOR CHANGES REQUIRING STATE  
6       LEGISLATION.—In the case of a State plan for med-  
7       ical assistance under title XIX of the Social Security  
8       Act which the Secretary of Health and Human Serv-  
9       ices determines requires State legislation (other than  
10      legislation appropriating funds) in order for the plan  
11      to meet the additional requirements imposed by the  
12      amendments made by subsection (a), the State plan  
13      shall not be regarded as failing to comply with the  
14      requirements of such title solely on the basis of its  
15      failure to meet these additional requirements before  
16      the first day of the first calendar quarter beginning  
17      after the close of the first regular session of the  
18      State legislature that begins after the date of the en-  
19      actment of this Act. For purposes of the previous  
20      sentence, in the case of a State that has a 2-year  
21      legislative session, each year of such session shall be  
22      deemed to be a separate regular session of the State  
23      legislature.

