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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend title XIX of the Social Security Act to increase transparency and expand coverage options with respect to home and community-based services under a Medicaid waiver.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XIX of the Social Security Act to increase transparency and expand coverage options with respect to home and community-based services under a Medicaid waiver.

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. INCREASING TRANSPARENCY AND EXPANDING**
4 **HCBS COVERAGE OPTIONS.**

5 Section 1915(c) of the Social Security Act (42 U.S.C.
6 1396n(c)) is amended—

7 (1) in paragraph (2)—

1 (A) in subparagraph (E)—

2 (i) by inserting “, not less frequently
3 than” before “annually”; and

4 (ii) by inserting “(including, with re-
5 spect to such information provided on or
6 after January 1, 2028, the information
7 specified in paragraph (12))” before the
8 period at the end; and

9 (B) by adding at the end the following
10 flush sentence:

11 “The Secretary shall make all information provided under
12 subparagraph (E) on or after January 1, 2028, publicly
13 available on the website of the Centers for Medicare &
14 Medicaid Services.”; and

15 (2) by adding at the end the following new
16 paragraphs:

17 “(11)(A) Notwithstanding paragraph (1), the
18 Secretary may approve a waiver under this sub-
19 section for a State to include as medical assistance
20 under the State plan of such State payment for part
21 or all of the cost of home or community-based serv-
22 ices (other than room and board (as described in
23 such paragraph)) approved by the Secretary which
24 are provided pursuant to a written plan of care to
25 individuals other than individuals described in such

1 paragraph if such State meets the requirements
2 specified in subparagraph (B).

3 “(B) For purposes of paragraph (1), the re-
4 quirements specified in this paragraph are, with re-
5 spect to a State, the following:

6 “(i) As of the date that such State re-
7 quests a waiver under this subsection to provide
8 home or community-based services to individ-
9 uals with respect to whom there has not been
10 a determination described in such paragraph
11 made, all other waivers (if any) granted under
12 this subsection with respect to the State plan
13 meet the requirements of this subsection.

14 “(ii) The State demonstrates to the Sec-
15 retary that approval of a waiver under this sub-
16 section with respect to individuals described in
17 clause (i) will have no material impact on the
18 average amount of time that individuals with
19 respect to whom a determination described in
20 paragraph (1) has been made will need to wait
21 to receive home or community-based services
22 under any waiver granted under this subsection.

23 “(iii) The State provides to the Sec-
24 retary—

1 “(I) an estimate of the number of in-
2 dividuals described in clause (i) that the
3 State will make such services available to
4 under a waiver under this subsection; and

5 “(II) a description of how the types
6 and quantities of such services furnished to
7 such individuals under such a waiver may
8 differ from the types and quantities of
9 such services furnished to individuals not
10 described in clause (i) under such a waiver.

11 “(12) For purposes of paragraph (2)(E), the
12 information specified in this paragraph is the fol-
13 lowing:

14 “(A) In the case of a State that limits the
15 number of individuals who may be provided
16 home or community-based services under a
17 waiver granted under this subsection—

18 “(i) a description of how the State
19 maintains its list of individuals who have
20 applied to receive such services under such
21 waiver but who, due to such limit, have not
22 yet been approved to receive such services;

23 “(ii) information on whether the State
24 screens individuals on such list to deter-

1 mine whether such individuals are eligible
2 to receive such services under such waiver;

3 “(iii) information on whether (and, if
4 applicable, how often) the State periodically
5 re-screens such individuals to determine
6 whether such individuals are so eligible;
7 and

8 “(iv) the average amount of time that
9 individuals approved to receive such services
10 were on such list.

11 “(B) A description of the types of services
12 furnished under waivers under this subsection,
13 including the following:

14 “(i) The average amount of time from
15 when such services are initially approved
16 for an individual to when such individual
17 begins receiving such services.

18 “(ii) With respect to the most recent
19 1-year period ending on the date that such
20 information is provided to the Secretary
21 for which data is available (or such other
22 period as may be specified by the Secretary),
23 the average percentage of hours of
24 home or community-based services authorized
25 under written plans of care for indi-

1 viduals receiving such services under a
2 waiver granted under this subsection that
3 are actually furnished to such individual.

4 “(C) Information regarding access to
5 homemaker services, home health aide services,
6 and personal care services under waivers under
7 this subsection, including the following:

8 “(i) With respect to the most recent
9 1-year period ending on the date that such
10 information is provided to the Secretary
11 for which data is available, the average
12 amount of time from when homemaker
13 services, home health aide services, or per-
14 sonal care services are initially approved to
15 be furnished to individuals under such a
16 waiver to when services began.

17 “(ii) With respect to the period de-
18 scribed in clause (i), the average percent-
19 age of hours of homemaker services, home
20 health aide services, and personal care
21 services authorized under written plans of
22 care for individuals receiving such services
23 under a waiver granted under this sub-
24 section that are actually furnished to such
25 individual.”.

1 **SEC. 2. CMS GUIDANCE TO STATES ON INTERIM COVERAGE**
2 **UNDER WAIVER.**

3 Not later than January 1, 2025, the Secretary of
4 Health and Human Services shall issue guidance to the
5 States to clarify how a State with a waiver in effect under
6 section 1915(c) of the Social Security Act (42 U.S.C.
7 1396n(c)) may provide, with respect to an individual who
8 is eligible for home and community-based services (as such
9 term is described in such section) under such waiver, up
10 to 60 days of coverage of such services under an interim
11 care plan for the period beginning on the date such eligi-
12 bility is determined and ending on the date that a written
13 plan of care (as such term is described in such section)
14 with respect to such individual is finalized.