

[118H7573]

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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title XIX of the Social Security Act to repeal the requirement that States establish a Medicaid Estate Recovery Program and to limit the circumstances in which a State may place a lien on a Medicaid beneficiary's property.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title XIX of the Social Security Act to repeal the requirement that States establish a Medicaid Estate Recovery Program and to limit the circumstances in which a State may place a lien on a Medicaid beneficiary's property.

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 “Stop Unfair Medicaid
5 Recoveries Act”.

1 **SEC. 2. LIENS, ADJUSTMENTS, AND RECOVERIES FOR MED-**
2 **ICAL ASSISTANCE.**

3 (a) LIENS.—Section 1917(a) of the Social Security
4 Act (42 U.S.C. 1396p(a)) is amended—

5 (1) in paragraph (1)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “plan, except—” and inserting
8 “plan, except, subject to paragraph (4)—”; and

9 (B) in subparagraph (B), by striking “in
10 the case of” and inserting “with respect to liens
11 imposed before the date of the enactment of the
12 Stop Unfair Medicaid Recoveries Act, in the
13 case of”; and

14 (2) by adding at the end the following:

15 “(4) Notwithstanding any preceding provision of this
16 subsection, not later than 90 days after the date of the
17 enactment of this paragraph, a State shall—

18 “(A) withdraw any lien imposed under para-
19 graph (1)(B) that is in effect as of such date; and

20 “(B) notify each individual (or legal representa-
21 tive of such individual (or of such individual’s es-
22 tate)) subject to such a lien so withdrawn of the
23 withdrawal of such lien.”.

24 (b) ADJUSTMENTS AND RECOVERIES.—Section
25 1917(b) of the Social Security Act (42 U.S.C. 1396p(b))
26 is amended—

1 (1) in paragraph (1), by striking “except that”
2 and inserting “except that, subject to paragraph
3 (6),”; and

4 (2) by adding at the end the following:

5 “(6) Notwithstanding any preceding provision of this
6 subsection, no adjustment or recovery of any medical as-
7 sistance correctly paid on behalf of an individual under
8 the State plan may be initiated, maintained, or collected
9 on or after the date of the enactment of this paragraph.

10 Not later than 90 days after such date, a State shall—

11 “(A) withdraw any lien in effect as of such date
12 with respect to such medical assistance correctly
13 paid; and

14 “(B) notify each individual (or legal representa-
15 tive of such individual (or of such individual’s es-
16 tate)) subject to such a lien so withdrawn of the
17 withdrawal of such lien and the prohibition on ad-
18 justment or recovery under this paragraph.”.