

103D CONGRESS
1ST SESSION

S. 551

To amend title XIX of the Social Security Act to improve the program
related to home and community based care.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 3), 1993

Mr. PRYOR (for himself and Mr. GRAHAM) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to improve
the program related to home and community based care.

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. REFERENCES TO SOCIAL SECURITY ACT.**

4 Except as otherwise specifically provided, whenever in
5 this Act an amendment is expressed in terms of an amend-
6 ment to or repeal of a section or other provision, the ref-
7 erence shall be considered to be made to that section or
8 other provision of the Social Security Act.

1 **SEC. 2. DEFINITION OF FUNCTIONALLY DISABLED ELDER-**
2 **LY INDIVIDUAL.**

3 Section 1929(b)(1)(C) (42 U.S.C. 1396t(b)(1)(C)) is
4 amended to read as follows:

5 “(C) subject to section 1902(f) (as applied
6 consistent with section 1902(r)(2))—

7 “(i) is receiving supplemental security
8 income benefits under title XVI (or under
9 a State plan approved under title XVI), or

10 “(ii) at the option of the State—

11 “(I) is described in section
12 1902(a)(10)(C), or

13 “(II) has income (as determined
14 under section 1612 for purposes of
15 the supplementary security income
16 program) that does not exceed three
17 times the maximum amount of income
18 that an individual may have and ob-
19 tain benefits under such program.”.

20 **SEC. 3. DETERMINATIONS OF FUNCTIONAL DISABILITY.**

21 Section 1929(c)(1) (42 U.S.C. 1396t(c)(1)) is
22 amended—

23 (1) in subparagraph (A)—

24 (A) by striking “3” and inserting “5”, and

1 (B) by striking “toileting, transferring,
2 and eating; or” and inserting “bathing, dress-
3 ing, toileting, transferring, and eating;”,

4 (2) in subparagraph (B)—

5 (A) by striking “of the following 5 activi-
ties of daily living: bathing, dressing, toileting,
7 transferring, and eating” and inserting “of the
8 5 activities of daily living described in subpara-
9 graph (A)”, and

10 (B) by striking the period at the end and
11 inserting “; or”, and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(C) needs substantial supervision due to
15 cognitive or other mental impairment resulting
16 in behaviors that are dangerous (to the individ-
17 ual or others), disruptive, or difficult to man-
18 age.”.

19 SEC. 4. LIMITATION ON PARTICIPATION OF STATES IN PRO-

GRAM.

21 (a) IN GENERAL.—Section 1929(m) (42 U.S.C.
22 1396t(m)) is amended—

23 (1) by redesignating paragraphs (2), (3), and
24 (4), as paragraphs (3), (4), and (5), respectively;

3 “(2) PARTICIPATION OF STATES.—

15 “(C) LIMIT ON NUMBER OF PARTICIPAT-
16 ING STATES.—The Secretary shall select no
17 more than 25 States to receive Federal finan-
18 cial participation for providing home and com-
19 munity care.”.

(b) CONFORMING AMENDMENTS.—Section 1929 (42 U.S.C. 1396t) is amended—

22 (1) in subsection (b)(2)(A)(i), by striking “elec-
23 tion” and inserting “selection under subsection
24 (m)(2);

11 (6) in subsection (d)(3), by striking "which
12 elects" and inserting "which is selected";

19 (9) in subsection (i)(3)(D)—

20 (A) by striking “each State” and inserting
21 “each State which is selected to provide home
22 and community care under this section”; and

23 (B) by striking “each State’s” and insert-
24 ing “each such State’s”;

1 (10) in subsection (i)(4), by striking “Each
2 State” and inserting “Each State which is selected
3 to provide home and community care under this
4 section”;

5 (11) in subsection (i)(6)(A), by striking “Each
6 State” and inserting “Each State which is selected
7 to provide home and community care under this
8 section”;

17 (14) in subsection (j)(1)(B)(ii), by striking
18 “which elects” and inserting “which is selected”;
19 and

20 (15) in paragraph (5) of subsection (m), by
21 striking "paragraph (2)" and inserting "paragraph
22 (3)".

1 **SEC. 5. LIMITATION ON NUMBER OF INDIVIDUALS ELIGI-**
2 **BLE TO PARTICIPATE.**

3 Section 1929(m)(3) (42 U.S.C. 1396t(m)(3)), as re-
4 designated, is amended by striking “, without regard to
5 the amount of funds available to the State under para-
6 graph (1).”. and inserting “. If a State determines that
7 the amount of funds available to such State under para-
8 graph (1) is insufficient to serve all individuals described
9 in subsection (b), such State may, at any time during an
10 election period, limit the number of individuals who will
11 receive home and community care under this section.”.

12 **SEC. 6. APPLICATION OF SPOUSAL IMPOVERTISHMENT**
13 **RULES UNDER MEDICAID TO SPOUSES OF IN-**
14 **DIVIDUALS RECEIVING HOME OR COMMU-**
15 **NITY-BASED SERVICES.**

16 Section 1924(h)(1)(A) (42 U.S.C. 1396r-5(h)(1)(A))
17 is amended to read as follows:

18 “(A)(i) is in a medical institution or nurs-
19 ing facility; or
20 “(ii) is described in section
21 1902(a)(10)(A)(ii)(VI) (except that for pur-
22 poses of subsection (d), such term shall include
23 such individual only if the State elects to apply
24 such subsection to the individual); and”.

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act shall be effective
3 on the date of the enactment of this Act.

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