

104TH CONGRESS
2D SESSION

S. 2099

To amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 1996

Mr. GRASSLEY (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 provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program, and for other purposes.

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. TREATMENT OF VETERANS PENSIONS UNDER**
4 **MEDICAID.**

5 (a) POST-ELIGIBILITY.—Subsection (r)(1) of section
6 1902 of the Social Security Act (42 U.S.C. 1396a) is
7 amended to read as follows:

1 “(r)(1) For purposes of sections 1902(a)(17) and
2 1924(d)(1)(D) and for purposes of a waiver under section
3 1915, with respect to the post-eligibility treatment of in-
4 come of individuals who are institutionalized or receiving
5 home or community-based services under such a waiver—

6 “(A) there shall be disregarded reparation pay-
7 ments made by the Federal Republic of Germany;

8 “(B) there shall be taken into account amounts
9 for incurred expenses for medical or remedial care
10 that are not subject to payment by a third party, in-
11 cluding—

12 “(i) medicare and other health insurance
13 premiums, deductibles, or coinsurance, and

14 “(ii) necessary medical or remedial care
15 recognized under State law but not covered
16 under the State plan under this title, subject to
17 reasonable limits the State may establish on the
18 amount of these expenses; and

19 “(C) there shall be taken into account, as in-
20 come, any and all payments received under a De-
21 partment of Veterans Affairs pension or compensa-
22 tion program, including payments attributable to the
23 recipient’s medical expenses or to the recipient’s
24 need for aid and attendance, but excluding that part

1 of any augmented benefit attributable to a depend-
 2 ent.

3 For purposes of subparagraph (C), any Department of
 4 Veterans Affairs pension benefit that has been limited to
 5 \$90 per month pursuant to section 5503(f) of title 38,
 6 United States Code, may be applied to meet the monthly
 7 personal needs allowance provided by the State plan under
 8 this title, but shall not otherwise be used to reduce the
 9 amount paid to a facility under the State plan.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Subject to paragraph (2),
 12 the amendment made by this section shall be effec-
 13 tive with respect to periods beginning on and after
 14 October 1, 1996.

15 (2) GRACE PERIOD FOR STATE LAW
 16 CHANGES.—The amendment made by this section
 17 shall become effective with respect to a State on the
 18 later of—

19 (A) the date specified in paragraph (1), or

20 (B) the effective date of laws enacted by
 21 the legislature of such State implementing such
 22 provisions,

23 but in no event later than the 1st day of the 1st calendar
 24 quarter beginning after the close of the 1st regular session
 25 of the State legislature that begins after the date of the

1 enactment of this Act. For purposes of the previous sen-
2 tence, in the case of a State that has a 2-year legislative
3 session, each year of such session shall be deemed to be
4 a separate regular session of the State legislature.

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