

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1738

To amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children’s Health Insurance Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

Mrs. DINGELL (for herself and Mr. KATKO) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children’s Health Insurance 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. SHORT TITLE.**

4 This Act may be cited as the “Stabilize Medicaid and  
5 CHIP Coverage Act”.

6 **SEC. 2. 12-MONTH CONTINUOUS ENROLLMENT.**

7 (a) **REQUIREMENT OF 12-MONTH CONTINUOUS EN-**  
8 **ROLLMENT UNDER MEDICAID.**—Section 1902(e)(12) of

1 the Social Security Act (42 U.S.C. 1396a(e)(12)) is  
2 amended to read as follows:

3 “(12) 12-MONTH CONTINUOUS ENROLLMENT.—

4 Notwithstanding any other provision of this title, a  
5 State plan approved under this title (or under any  
6 waiver of such plan approved pursuant to section  
7 1115 or section 1915), shall provide that an indi-  
8 vidual who is determined to be eligible for benefits  
9 under such plan (or waiver) shall remain eligible and  
10 enrolled for such benefits through the end of the  
11 month in which the 12-month period (beginning on  
12 the date of determination of eligibility) ends.”.

13 (b) REQUIREMENT OF 12-MONTH CONTINUOUS EN-  
14 ROLLMENT UNDER CHIP.—

15 (1) IN GENERAL.—Section 2102(b) of the So-  
16 cial Security Act (42 U.S.C. 1397bb(b)) is amended  
17 by adding at the end the following new paragraph:

18 “(6) REQUIREMENT FOR 12-MONTH CONTIN-  
19 UOUS ENROLLMENT.—Notwithstanding any other  
20 provision of this title, a State child health plan that  
21 provides child health assistance under this title  
22 through a means other than described in section  
23 2101(a)(2), shall provide that an individual who is  
24 determined to be eligible for benefits under such  
25 plan shall remain eligible and enrolled for such bene-

1 fits through the end of the month in which the 12-  
2 month period (beginning on the date of determina-  
3 tion of eligibility) ends.”.

4 (2) CONFORMING AMENDMENT.—Section  
5 2105(a)(4)(A) of the Social Security Act (42 U.S.C.  
6 1397ee(a)(4)(A)) is amended—

7 (A) by striking “has elected the option of”  
8 and inserting “is in compliance with the re-  
9 quirement for”; and

10 (B) by striking “applying such policy  
11 under its State child health plan under this  
12 title” and inserting “in compliance with section  
13 2102(b)”.

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2) or (3), the amendments made by sub-  
17 sections (a) and (b) shall apply to determinations  
18 (and redeterminations) of eligibility made on or after  
19 the date that is 18 months after the date of the en-  
20 actment of this Act.

21 (2) EXTENSION OF EFFECTIVE DATE FOR  
22 STATE LAW AMENDMENT.—In the case of a State  
23 plan under title XIX or State child health plan  
24 under title XXI of the Social Security Act (42  
25 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)

1       which the Secretary of Health and Human Services  
2       determines requires State legislation (other than leg-  
3       islation appropriating funds) in order for the respec-  
4       tive plan to meet the additional requirement imposed  
5       by the amendment made by subsection (a) or (b), re-  
6       spectively, the respective plan shall not be regarded  
7       as failing to comply with the requirements of such  
8       title solely on the basis of its failure to meet such  
9       applicable additional requirement before the first  
10      day of the first calendar quarter beginning after the  
11      close of the first regular session of the State legisla-  
12      ture that begins after the date of enactment of this  
13      Act. For purposes of the previous sentence, in the  
14      case of a State that has a 2-year legislative session,  
15      each year of the session is considered to be a sepa-  
16      rate regular session of the State legislature.

17               (3) OPTION TO IMPLEMENT 12-MONTH CONTIN-  
18      UOUS ELIGIBILITY PRIOR TO EFFECTIVE DATE.—A  
19      State may elect through a State plan amendment  
20      under title XIX or XXI of the Social Security Act  
21      (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)  
22      to apply the amendment made by subsection (a) or  
23      (b), respectively, on any date prior to the 18-month

- 1 date specified in paragraph (1), but not sooner than
- 2 the date of the enactment of this Act.

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