

118TH CONGRESS
1ST SESSION

H. R. 629

To amend title XI of the Social Security Act to provide for State approval and implementation of specified waivers under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2023

Mr. GREEN of Tennessee (for himself and Mr. BRECHEEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XI of the Social Security Act to provide for State approval and implementation of specified waivers under the Medicaid program.

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 “Medicaid Improvement
5 and State Flexibility Act of 2023”.

6 **SEC. 2. PROVIDING FOR STATE APPROVAL AND IMPLEMEN-**
7 **TATION OF SPECIFIED WAIVERS UNDER THE**
8 **MEDICAID PROGRAM.**

9 Section 1115 of the Social Security Act (42 U.S.C.
10 1315) is amended—

1 (1) in subsection (d)—

2 (A) in paragraph (1), by striking “An ap-
3 plication” and inserting “Subject to paragraph
4 (4), an application”; and

5 (B) by adding at the end the following new
6 paragraph:

7 “(4)(A) An experimental, pilot, or demonstration
8 project undertaken under subsection (a) may be approved
9 or renewed by a State if such project is described in sub-
10 paragraph (B).

11 “(B) An experimental, pilot, or demonstration project
12 is described in this subparagraph if such project provides
13 for a waiver of requirements with respect to a State plan
14 (or a waiver of such plan) under title XIX such that—

15 “(i) individuals enrolled under such plan (or
16 such waiver) may elect to participate in such project
17 with respect to a year;

18 “(ii) such individuals who elect to so partici-
19 pate—

20 “(I) are furnished with an electronic bene-
21 fits transfer card in an amount determined ap-
22 propriate by the State for purposes of pur-
23 chasing primary care services and medications
24 during such year;

1 “(II) are furnished a cash payment by the
2 State equal to the amount of funds remaining
3 on the individual’s electronic benefits transfer
4 card at the end of such year; and

5 “(III) are enrolled in a catastrophic insur-
6 ance program determined appropriate by the
7 State for purposes of covering services not de-
8 scribed in subclause (I) and covering services
9 that are described in such subclause if such in-
10 dividual exceeds the amount of funds provided
11 to such individual on such card for such year;
12 and

13 “(iii) Federal expenditures under such title for
14 the period during which such project is in effect are
15 equal to or lesser than what such expenditures would
16 have been during such period if such project were
17 not in effect.

18 “(C)(i) In no case may a project described in sub-
19 paragraph (B) result in an expenditure to pay for any
20 abortion or to assist in the purchase, in whole or in part,
21 of health benefit coverage that includes coverage of abor-
22 tion.

23 “(ii) Clause (i) shall not apply to an abortion only
24 if necessary to save the life of the mother or if the preg-
25 nancy is the result of an act of rape or incest.

1 “(D) For purposes of a State’s approval or renewal
2 of an experimental, pilot, or demonstration project under
3 subparagraph (A), each reference to ‘the Secretary’ in
4 subsection (a) shall be deemed to be a reference to ‘the
5 State.’”; and

6 (2) in subsection (e), by inserting “(other than
7 such a project that is described in paragraph
8 (4)(B))” before the period at the end.

○