

118TH CONGRESS
1ST SESSION

S. 2954

To apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2023

Mr. BARRASSO (for himself, Mrs. BLACKBURN, Ms. LUMMIS, Mr. BRAUN, Mr. WICKER, Mr. SCOTT of Florida, Mr. RICKETTS, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, 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 “Protecting Medicaid
5 Beneficiaries Act of 2023”.

1 **SEC. 2. APPLICATION OF MEDICAID ASSET TEST TO ALL AP-**
2 **PLICANTS FOR, AND RECIPIENTS OF, MED-**
3 **ICAL ASSISTANCE IN ALL STATES AND TERRI-**
4 **TORIES.**

5 (a) IN GENERAL.—Section 1940 of the Social Secu-
6 rity Act (42 U.S.C. 1396w) is amended—

7 (1) in subsection (a), by striking paragraph (4);
8 and

9 (2) in subsection (b)(1)(A), by striking “on the
10 basis of being aged, blind, or disabled”.

11 (b) RULES.—The Secretary of Health and Human
12 Services shall promulgate such rules as are necessary to
13 implement the amendments made by subsection (a).

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the amendments made by subsection (a) shall take
17 effect on the date that is 1 year after the date of
18 enactment of this Act.

19 (2) PHASE-IN OF IMPLEMENTATION.—

20 (A) IN GENERAL.—During the 1-year pe-
21 riod that begins on the date of enactment of
22 this Act, the Secretary of Health and Human
23 Services shall require States to submit and im-
24 plement a plan for an electronic integrated
25 asset verification program that meets the re-

1 requirements of section 1940 of the Social Secu-
 2 rity Act (as amended by subsection (a)).

3 (B) IMPLEMENTATION BEFORE EFFECTIVE
 4 DATE.—Nothing in this subsection or section
 5 1940 of the Social Security Act (42 U.S.C.
 6 1396w) shall be construed as prohibiting a
 7 State from implementing an asset verification
 8 program that meets the requirements of such
 9 section (as amended by subsection (a)) in ad-
 10 vance of the effective date specified under para-
 11 graph (1).

12 (C) DELAY OF EFFECTIVE DATE.—If a
 13 State requests a delay of the effective date
 14 specified under paragraph (1) on the basis of
 15 ongoing economic hardship limitations, as de-
 16 termined by the chief executive officer of the
 17 State, the Secretary of Health and Human
 18 Services may delay such effective date for up to
 19 365 days.

20 **SEC. 3. MEDICAID RESOURCES ELIGIBILITY REQUIRE-**
 21 **MENT.**

22 (a) IN GENERAL.—Section 1902(e)(14)(C) of the So-
 23 cial Security Act (42 U.S.C. 1396a(e)(14)(C)) is amended
 24 to read as follows:

25 “(C) RESOURCES TEST REQUIREMENT.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (iii), notwithstanding any
3 other provision of this title, in the case of
4 an individual with respect to whom a de-
5 termination of income eligibility for med-
6 ical assistance under the State plan or
7 under any waiver of such plan is required,
8 the State shall also apply a resources eligi-
9 bility test that meets the requirement of
10 clause (ii).

11 “(ii) REQUIREMENT.—A State re-
12 sources eligibility test meets the require-
13 ment of this clause if the test precludes eli-
14 gibility for any individual whose resources
15 (as determined under section 1613 for pur-
16 poses of the supplemental security income
17 program) exceed the maximum amount of
18 resources that an individual may have and
19 obtain benefits under that program, or
20 such amount as the State shall establish.

21 “(iii) NO EFFECT ON CONTINUOUS
22 ELIGIBILITY REQUIREMENTS FOR PREG-
23 NANT AND POSTPARTUM WOMEN OR CHIL-
24 DREN.—Nothing in this subparagraph
25 shall affect the application of paragraph

1 (6), (12), or (16) of this subsection (relat-
2 ing to continuous eligibility for pregnant
3 and postpartum women and children under
4 the age of 19).”.

5 (b) CONFORMING AMENDMENT.—Section 1902(e)(6)
6 of the Social Security Act (42 U.S.C. 1396a(e)(6)) is
7 amended by inserting “or resources” after “income” each
8 place it appears.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date that is 2 years
11 after the date of enactment of this Act.

12 **SEC. 4. REQUIRING CMS TO TRACK STATE ASSET**
13 **VERIFICATION OF FEDERAL MEDICAID PRO-**
14 **GRAMS.**

15 (a) TRACKING ASSET VERIFICATION PROGRAM SAV-
16 INGS.—Not later than 2 years after the date of the enact-
17 ment of this Act, the Secretary of Health and Human
18 Services, acting through the Centers for Medicare & Med-
19 icaid Services, shall create a Federal tracking system of
20 the savings in Federal expenditures on the Medicaid pro-
21 gram under title XIX of the Social Security Act (42
22 U.S.C. 1396 et seq.) that are associated with the asset
23 verification program requirement added under section
24 2(a).

25 (b) REPORTS TO CONGRESS.—

1 (1) IN GENERAL.—Beginning with the first
2 year that begins on or after the date of enactment
3 of this Act, each State shall submit to the Secretary,
4 as part of the triennial review required under the
5 Payment Error Rate Measurement program of the
6 Centers for Medicare & Medicaid Services, a report,
7 that the Secretary shall make publicly available, on
8 the activities of the State relating to eligibility deter-
9 minations and renewals conducted during the year
10 for which the report is submitted, and which in-
11 cludes, with respect to such year, the following infor-
12 mation:

13 (A) The number of eligibility renewals ini-
14 tiated, and asset checks conducted, beneficiaries
15 renewed on a total and ex parte basis.

16 (B) The number of asset checks conducted
17 out of the number of new applications initiated
18 and the number of applicants determined eligi-
19 ble after such checks.

20 (C) Such other information related to eligi-
21 bility determinations and renewals during such
22 month, as identified by the Secretary.

23 (2) APPLICATION TO TERRITORIES.—For pur-
24 poses of applying the reporting requirements of
25 paragraph (1) to Puerto Rico, the Virgin Islands,

1 Guam, the Northern Mariana Islands, and American
2 Samoa, the Secretary shall promulgate regulations
3 to modify such requirements so that they are similar
4 to the reporting requirements that apply under such
5 paragraph to the 50 States and the District of Co-
6 lumbia but are reasonable given the circumstances of
7 each such territory.

8 (c) ENFORCEMENT AND CORRECTIVE ACTION.—

9 (1) IN GENERAL.—The Secretary may assess a
10 State’s compliance with all Federal requirements ap-
11 plicable to eligibility determinations, redetermina-
12 tions, and Medicaid payment error rate measure-
13 ment (PERM) reporting requirements, and, if the
14 Secretary determines that a State did not comply
15 with any such requirements during the 180 day pe-
16 riod preceding the assessment, the Secretary may re-
17 quire the State to submit and implement a corrective
18 action plan in accordance with paragraph (2).

19 (2) CORRECTIVE ACTION PLAN.—A State that
20 receives a written notice from the Secretary that the
21 Secretary has determined that the State is not in
22 compliance with a requirement described in para-
23 graph (1) shall—

1 (A) not later than 90 days after receiving
2 such notice, submit a corrective action plan to
3 the Secretary;

4 (B) not later than 90 days after the date
5 on which such corrective action plan is sub-
6 mitted to the Secretary, receive approval or dis-
7 approval for the plan from the Secretary; and

8 (C) begin implementation of such correc-
9 tive action plan not later than 90 days after
10 such approval.

○