

118TH CONGRESS
1ST SESSION

S. 3196

To amend title XIX of the Social Security Act to provide a State option to extend Medicaid coverage for foster care children while receiving treatment from a qualified residential treatment program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2023

Mr. RUBIO (for himself and Mr. TILLIS) 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 a State option to extend Medicaid coverage for foster care children while receiving treatment from a qualified residential treatment 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 “Ensuring Medicaid
5 Continuity for Children in Foster Care Act of 2023”.

1 **SEC. 2. STATE OPTION TO EXTEND MEDICAID COVERAGE**
 2 **FOR FOSTER CARE CHILDREN WHILE RE-**
 3 **CEIVING TREATMENT FROM A QUALIFIED**
 4 **RESIDENTIAL TREATMENT PROGRAM.**

5 Section 1902(e) of the Social Security Act (42 U.S.C.
 6 1396a(e)) is amended by adding at the end the following:

7 “(17) EXTENDING COVERAGE FOR FOSTER
 8 CARE CHILDREN WHILE RECEIVING TREATMENT
 9 FROM A QUALIFIED RESIDENTIAL TREATMENT PRO-
 10 GRAM.—

11 “(A) STATE OPTION.—At the option of the
 12 State, the State plan (or a waiver of such State
 13 plan) may provide that a child in foster care
 14 under the responsibility of a State who is eligi-
 15 ble for medical assistance under such plan (or
 16 waiver) (including during a period of retroactive
 17 eligibility under subsection (a)(34)), shall re-
 18 main eligible under such plan (or waiver) for
 19 medical assistance during any period in which
 20 the child—

21 “(i) receives treatment provided by
 22 any qualified residential treatment pro-
 23 gram (as defined in section 472(k)(4)) in
 24 which the child has been placed in accord-
 25 ance with the requirements of sections
 26 472(k)(3) and 475A(c); and

1 “(ii) continues to be in foster care
2 under the responsibility of a State.

3 “(B) FEDERAL FINANCIAL PARTICIPA-
4 TION.—A State that has elected the option
5 under subparagraph (A) shall receive payment
6 under section 1903(a) for amounts expended to
7 provide medical assistance to a child described
8 in such subparagraph, including amounts ex-
9 pended for medical assistance for items or serv-
10 ices that are provided to any such child outside
11 of the facility (or distinct part thereof) in which
12 a qualified residential treatment program (as so
13 defined) is located.”.

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