

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

# S. 86

To modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, 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. MEDICAID ESTATE RECOVERIES.**

4 Section 1917(b)(1)(B) of the Social Security Act (42  
5 U.S.C. 1396p(b)(1)(B)) is amended by striking “consist-  
6 ing of—” and all that follows and inserting the following:  
7 “consisting of—

1           “(i) nursing facility services and related  
2           hospital and prescription drug services; and

3           “(ii) at the option of the State, any addi-  
4           tional items or services under the State plan.”.

5 **SEC. 2. REQUIRING STATES TO REGULATE GROWTH IN THE**  
6 **NUMBER OF NURSING FACILITY BEDS.**

7           (a) IN GENERAL.—A nursing facility shall not receive  
8 reimbursement under the medicare program under title  
9 XVIII of the Social Security Act, the medicaid program  
10 under title XIX of such Act, or any other Federal program  
11 for services furnished with respect to any beds first oper-  
12 ated by such facility on or after the date of the enactment  
13 of this Act unless a certificate of need is issued by the  
14 State with respect to such beds.

15           (b) ISSUANCE OF CERTIFICATE.—A certificate of  
16 need may be issued by a State with respect to a geographic  
17 area only if the ratio of the number of nursing facility  
18 beds in such area to the total population in such area that  
19 is likely to need such beds is below the ratio included in  
20 guidelines that are established by the State and approved  
21 by the Secretary of Health and Human Services under  
22 subsection (c).

23           (c) APPROVAL OF GUIDELINES.—The Secretary of  
24 Health and Human Services shall promulgate regulations  
25 under which States may submit proposed guidelines for

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- 1 the issuance of certificates of need under subsection (b)
- 2 for review and approval.

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