

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6621

To amend titles XIX and XXI of the Social Security Act to provide for the reinstatement of enrollment for medical assistance and child health assistance of certain youth who were enrolled for such assistance immediately before becoming inmates of public institutions upon the release of such youth from such institutions.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2008

Ms. SOLIS 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 the reinstatement of enrollment for medical assistance and child health assistance of certain youth who were enrolled for such assistance immediately before becoming inmates of public institutions upon the release of such youth from such institutions.

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 “Reinstatement of En-  
5       rollment for Medicaid Eligibility of Disadvantaged Youth  
6       (REMEDY) Act”.

1 **SEC. 2. REINSTATEMENT OF ENROLLMENT FOR MEDICAID**  
2 **AND SCHIP BENEFITS FOR CERTAIN YOUTH**  
3 **UPON RELEASE FROM PUBLIC INSTITUTIONS.**

4 (a) APPLICATION TO MEDICAID.—Section 1902(a) of  
5 the Social Security Act (42 U.S.C. 1396b) is amended—

6 (1) by striking “and” at the end of paragraph  
7 (69);

8 (2) by striking the period at the end of para-  
9 graph (70) and inserting “; and”; and

10 (3) by inserting after paragraph (70) the fol-  
11 lowing new paragraph:

12 “(71) provide that in the case of any individual  
13 who is a youth, as determined under the State plan  
14 for purposes of eligibility for medical assistance  
15 under such plan, as of the date of becoming an in-  
16 mate of a public institution and who is a youth (as  
17 so determined) at the time of release from such in-  
18 stitution, if the individual was enrolled for medical  
19 assistance under the State plan immediately before  
20 becoming such an inmate the State must suspend,  
21 rather than terminate, such enrollment for such in-  
22 dividual during the period in which such individual  
23 is such an inmate in a manner such that—

24 “(A) the enrollment of such individual  
25 shall be reinstated upon release from such insti-  
26 tution unless and until there is a determination

1 that the individual is no longer eligible to be so  
2 enrolled; and

3 “(B) any period of continuous eligibility in  
4 effect on the date the individual became such  
5 an inmate shall be reinstated as of the date of  
6 the release and the duration of such period  
7 shall be determined without regard to the pe-  
8 riod in which the individual was such an in-  
9 mate.”.

10 (b) APPLICATION TO SCHIP.—Section 2102(b)(1) of  
11 the Social Security Act (42 U.S.C. 1397bb(b)(1)) is  
12 amended by adding at the end the following new subpara-  
13 graph:

14 “(C) REINSTATEMENT OF ENROLLMENT  
15 FOR CERTAIN YOUTH UPON RELEASE FROM  
16 PUBLIC INSTITUTIONS.—A State child health  
17 plan shall provide that in the case of any child  
18 who becomes an inmate of a public institution  
19 and who is still a child at the time of release  
20 from such institution, if the child was enrolled  
21 for child health assistance under the State child  
22 health plan immediately before becoming such  
23 an inmate the State must suspend, rather than  
24 terminate, such enrollment for such child dur-

1           ing the period in which such child is such an in-  
2           mate in a manner such that—

3                   “(i) the enrollment of such child shall  
4                   be reinstated upon release from such insti-  
5                   tution unless and until there is a deter-  
6                   mination that the child is no longer eligible  
7                   to be so enrolled; and

8                   “(ii) any period of continuous eligi-  
9                   bility in effect on the date the child became  
10                  such an inmate shall be reinstated as of  
11                  the date of the release and the duration of  
12                  such period shall be determined without re-  
13                  gard to the period in which the child was  
14                  such an inmate.”.

15       (c) EFFECTIVE DATE.—

16           (1) IN GENERAL.—Subject to paragraph (2),  
17           the amendments made by this section shall apply to  
18           individuals who become inmates of a public institu-  
19           tion on or after January 1, 2009.

20           (2) EXCEPTION IF STATE LEGISLATION RE-  
21           QUIRED.—In the case of a State plan for medical as-  
22           sistance under title XIX of the Social Security Act,  
23           or a State child health plan for child health assist-  
24           ance under title XXI of such Act, which the Sec-  
25           retary of Health and Human Services determines re-

1       quires State legislation (other than legislation appro-  
2       priating funds) in order for the plan to meet the ad-  
3       ditional requirement imposed by the amendment  
4       made by subsection (a)(3) or (b), respectively, the  
5       State plan or State child health plan, respectively,  
6       shall not be regarded as failing to comply with the  
7       requirements of such title solely on the basis of its  
8       failure to meet such respective additional require-  
9       ment before the first day of the first calendar quar-  
10      ter beginning after the close of the first regular ses-  
11      sion of the State legislature that begins after the  
12      date of the enactment of this Act. For purposes of  
13      the previous sentence, in the case of a State that has  
14      a 2-year legislative session, each year of such session  
15      shall be deemed to be a separate regular session of  
16      the State legislature.

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