

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

# H. R. 1717

To amend title XIX of the Social Security Act to make permanent the protections under Medicaid for recipients of home and community-based services against spousal impoverishment.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. UPTON (for himself and Mrs. DINGELL) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to make permanent the protections under Medicaid for recipients of home and community-based services against spousal impoverishment.

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 Married  
5 Seniors from Impoverishment Act of 2021”.

1 **SEC. 2. MAKING PERMANENT THE PROTECTION UNDER**  
2 **MEDICAID FOR RECIPIENTS OF HOME AND**  
3 **COMMUNITY-BASED SERVICES AGAINST**  
4 **SPOUSAL IMPOVERISHMENT.**

5 (a) **IN GENERAL.**—Section 1924(h)(1)(A) of the So-  
6 cial Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amend-  
7 ed by striking “(at the option of the State) is described  
8 in section 1902(a)(10)(A)(ii)(VI)” and inserting the fol-  
9 lowing: “is eligible for medical assistance for home and  
10 community-based services provided under subsection (c),  
11 (d), or (i) of section 1915, under a waiver approved under  
12 section 1115, or who is eligible for such medical assistance  
13 by reason of being determined eligible under section  
14 1902(a)(10)(C) or by reason of section 1902(f) or other-  
15 wise on the basis of a reduction of income based on costs  
16 incurred for medical or other remedial care, or who is eligi-  
17 ble for medical assistance for home and community-based  
18 attendant services and supports under section 1915(k)”.

19 (b) **CONFORMING AMENDMENT.**—Section 2404 of the  
20 Patient Protection and Affordable Care Act (42 U.S.C.  
21 1396r–5) is amended by striking “September 30, 2023”  
22 and inserting “the date of the enactment of the Protecting  
23 Married Seniors from Impoverishment Act of 2021”.

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