

117TH CONGRESS
1ST SESSION

H. R. 1738

To amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children’s Health Insurance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

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

A BILL

To amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children’s Health Insurance Program, 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 “Stabilize Medicaid and
5 CHIP Coverage Act”.

6 **SEC. 2. 12-MONTH CONTINUOUS ENROLLMENT.**

7 (a) REQUIREMENT OF 12-MONTH CONTINUOUS EN-
8 ROLLMENT UNDER MEDICAID.—Section 1902(e)(12) of

1 the Social Security Act (42 U.S.C. 1396a(e)(12)) is
2 amended to read as follows:

3 “(12) 12-MONTH CONTINUOUS ENROLLMENT.—

4 Notwithstanding any other provision of this title, a
5 State plan approved under this title (or under any
6 waiver of such plan approved pursuant to section
7 1115 or section 1915), shall provide that an indi-
8 vidual who is determined to be eligible for benefits
9 under such plan (or waiver) shall remain eligible and
10 enrolled for such benefits through the end of the
11 month in which the 12-month period (beginning on
12 the date of determination of eligibility) ends.”.

13 (b) REQUIREMENT OF 12-MONTH CONTINUOUS EN-
14 ROLLMENT UNDER CHIP.—

15 (1) IN GENERAL.—Section 2102(b) of the So-
16 cial Security Act (42 U.S.C. 1397bb(b)) is amended
17 by adding at the end the following new paragraph:

18 “(6) REQUIREMENT FOR 12-MONTH CONTIN-
19 UOUS ENROLLMENT.—Notwithstanding any other
20 provision of this title, a State child health plan that
21 provides child health assistance under this title
22 through a means other than described in section
23 2101(a)(2), shall provide that an individual who is
24 determined to be eligible for benefits under such
25 plan shall remain eligible and enrolled for such bene-

fits through the end of the month in which the 12-month period (beginning on the date of determination of eligibility) ends.”.

(2) CONFORMING AMENDMENT.—Section 2105(a)(4)(A) of the Social Security Act (42 U.S.C. 1397ee(a)(4)(A)) is amended—

(A) by striking “has elected the option of” and inserting “is in compliance with the requirement for”; and

(B) by striking “applying such policy under its State child health plan under this title” and inserting “in compliance with section 2102(b)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the amendments made by subsections (a) and (b) shall apply to determinations (and redeterminations) of eligibility made on or after the date that is 18 months after the date of the enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or State child health plan under title XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)

1 which the Secretary of Health and Human Services
2 determines requires State legislation (other than leg-
3 islation appropriating funds) in order for the respec-
4 tive plan to meet the additional requirement imposed
5 by the amendment made by subsection (a) or (b), re-
6 spectively, the respective plan shall not be regarded
7 as failing to comply with the requirements of such
8 title solely on the basis of its failure to meet such
9 applicable additional requirement before the first
10 day of the first calendar quarter beginning after the
11 close of the first regular session of the State legisla-
12 ture that begins after the date of enactment of this
13 Act. For purposes of the previous sentence, in the
14 case of a State that has a 2-year legislative session,
15 each year of the session is considered to be a sepa-
16 rate regular session of the State legislature.

17 (3) OPTION TO IMPLEMENT 12-MONTH CONTIN-
18 UOUS ELIGIBILITY PRIOR TO EFFECTIVE DATE.—A
19 State may elect through a State plan amendment
20 under title XIX or XXI of the Social Security Act
21 (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)
22 to apply the amendment made by subsection (a) or
23 (b), respectively, on any date prior to the 18-month

- 1 date specified in paragraph (1), but not sooner than
- 2 the date of the enactment of this Act.

