

23

AMENDMENT TO H.R.
OFFERED BY MR. BURGESS OF TEXAS
(Based on text of H.R. 3962)

In subtitle F (relating to waste, fraud, and abuse) of title VII of division B, add at the end the following new section:

1 **SEC. 1762. MEDICAID PAYOR OF LAST RESORT ENFORCE-**
2 **MENT.**

3 Section 1903 of the Social Security Act (42
4 U.S.C.1396b), as amended by this Act, is amended by
5 adding at the end the following new subsection:

6 **“(bb) ENFORCEMENT OF PAYOR OF LAST RESORT**
7 **PROVISIONS.—**

8 **“(1) SUBMISSION OF STATE PLAN AMEND-**
9 **MENT.—**Each State shall submit, not later than 1
10 year after the date of the enactment of this sub-
11 section, an amendment to the State plan of such
12 State that details how the State will become compli-
13 ant with the requirements under section
14 1902(a)(25).

15 **“(2) BONUS FOR COMPLIANCE.—**

16 **“(A) IN GENERAL.—**The Secretary shall
17 provide for an additional payment of

1 \$1,000,000 to a State that submits an amend-
2 ment described under paragraph (1)—

3 “(i) that the Secretary determines
4 provides for full compliance of such State
5 with the requirements under section
6 1902(a)(25); and

7 “(ii) by the deadline described under
8 paragraph (1).

9 “(B) ADDITIONAL BONUS.—The Secretary
10 shall provide for an additional payment of
11 \$1,000,000 to a State that certifies, and the
12 Secretary determines, that such State is compli-
13 ant with the requirements under section
14 1902(a)(25).

15 “(3) REDUCTION FOR NONCOMPLIANCE.—If a
16 State does not submit an amendment described
17 under paragraph (1), the Secretary shall reduce the
18 Federal medical assistance percentage otherwise ap-
19 plicable under this title by 1 percentage point until
20 such State submits such amendment.

21 “(4) ONGOING REDUCTION.—If the Secretary
22 determines that a State is not compliant with the re-
23 quirements under section 1902(a)(25), after the
24 deadline described under paragraph (1), the Sec-
25 retary shall reduce the Federal medical assistance

1 percentage otherwise applicable under this title for
2 such State by 1 percentage point during the period
3 of non-compliance, as determined by the Secretary.”.

