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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

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To amend title XI of the Social Security Act to provide for State approval and implementation of specified waivers under the Medicaid program.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title XI of the Social Security Act to provide for State approval and implementation of specified waivers under the Medicaid program.

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 “Medicaid Improvement  
5 and State Flexibility Act of 2023”.

1 **SEC. 2. PROVIDING FOR STATE APPROVAL AND IMPLEMEN-**  
2 **TATION OF SPECIFIED WAIVERS UNDER THE**  
3 **MEDICAID PROGRAM.**

4 Section 1115 of the Social Security Act (42 U.S.C.  
5 1315) is amended—

6 (1) in subsection (d)—

7 (A) in paragraph (1), by striking “An ap-  
8 plication” and inserting “Subject to paragraph  
9 (4), an application”; and

10 (B) by adding at the end the following new  
11 paragraph:

12 “(4)(A) An experimental, pilot, or demonstration  
13 project undertaken under subsection (a) may be approved  
14 or renewed by a State if such project is described in sub-  
15 paragraph (B).

16 “(B) An experimental, pilot, or demonstration project  
17 is described in this subparagraph if such project provides  
18 for a waiver of requirements with respect to a State plan  
19 (or a waiver of such plan) under title XIX such that—

20 “(i) individuals enrolled under such plan (or  
21 such waiver) may elect to participate in such project  
22 with respect to a year;

23 “(ii) such individuals who elect to so partici-  
24 pate—

25 “(I) are furnished with an electronic bene-  
26 fits transfer card in an amount determined ap-

1           appropriate by the State for purposes of pur-  
2           chasing primary care services and medications  
3           during such year;

4           “(II) are furnished a cash payment by the  
5           State equal to the amount of funds remaining  
6           on the individual’s electronic benefits transfer  
7           card at the end of such year; and

8           “(III) are enrolled in a catastrophic insur-  
9           ance program determined appropriate by the  
10          State for purposes of covering services not de-  
11          scribed in subclause (I) and covering services  
12          that are described in such subclause if such in-  
13          dividual exceeds the amount of funds provided  
14          to such individual on such card for such year;  
15          and

16          “(iii) Federal expenditures under such title for  
17          the period during which such project is in effect are  
18          equal to or lesser than what such expenditures would  
19          have been during such period if such project were  
20          not in effect.

21          “(C)(i) In no case may a project described in sub-  
22          paragraph (B) result in an expenditure to pay for any  
23          abortion or to assist in the purchase, in whole or in part,  
24          of health benefit coverage that includes coverage of abor-  
25          tion.

1           “(ii) Clause (i) shall not apply to an abortion only  
2 if necessary to save the life of the mother or if the preg-  
3 nancy is the result of an act of rape or incest.

4           “(D) For purposes of a State’s approval or renewal  
5 of an experimental, pilot, or demonstration project under  
6 subparagraph (A), each reference to ‘the Secretary’ in  
7 subsection (a) shall be deemed to be a reference to ‘the  
8 State.’”; and

9           (2) in subsection (e), by inserting “(other than  
10 such a project that is described in paragraph  
11 (4)(B))” before the period at the end.