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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title XIX of the Social Security Act to strengthen coverage under the Medicaid program for certain foster youth individuals.

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IN THE HOUSE OF REPRESENTATIVES

Ms. BASS introduced the following bill; which was referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend title XIX of the Social Security Act to strengthen coverage under the Medicaid program for certain foster youth individuals.

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 “Foster Youth Dental  
5 Act of 2020”.

1 **SEC. 2. STRENGTHENING COVERAGE UNDER THE MED-**  
2 **ICAID PROGRAM FOR CERTAIN FOSTER**  
3 **YOUTH INDIVIDUALS.**

4 (a) **EXPANSION OF EPSDT SERVICES TO CERTAIN**  
5 **INDIVIDUALS AGED 21-25.—**

6 (1) **IN GENERAL.—**Section 1905(a) of the So-  
7 cial Security Act (42 U.S.C. 1396d(a)) is amend-  
8 ed—

9 (A) in paragraph (4)(B), by inserting “(or,  
10 in the case of a specified individual (as defined  
11 in the matter at the end of this subsection),  
12 under the age of 26)” after “21”; and

13 (B) by adding at the end the following new  
14 sentence: “For purposes of paragraph (4)(B),  
15 the term ‘specified individual’ means an indi-  
16 vidual who is in foster care under the responsi-  
17 bility of a State (or was in foster care under the  
18 responsibility of the State on the date of attain-  
19 ing 18 years of age or such higher age as the  
20 State has elected under section 475(8)(B)(iii)  
21 and was enrolled in a State plan under this title  
22 or under a waiver of a plan while in such foster  
23 care).”.

24 (2) **PROVISION OF INFORMATION WITH RE-**  
25 **SPECT TO DENTAL SERVICES.—**Section

1 1902(a)(43)(A) of the Social Security Act (42  
2 U.S.C. 1396a(a)(43)(A)) is amended—

3 (A) by inserting “(or, in the case of a spec-  
4 ified individual (as defined in the matter at the  
5 end of section 1905(a)), under the age of 26)”  
6 after “21”;

7 (B) by inserting “(including dental serv-  
8 ices)” after “treatment services”;

9 (C) by striking “and the need” and insert-  
10 ing “, the need”; and

11 (D) by striking the comma at the end and  
12 inserting “, and the importance of maintaining  
13 good oral health,”.

14 (3) EFFECTIVE DATE.—

15 (A) EXTENSION OF COVERAGE.—The  
16 amendments made by paragraph (1) shall apply  
17 with respect to medical assistance furnished  
18 during calendar quarters beginning on or after  
19 the date that is 80 days after the date of the  
20 enactment of this Act.

21 (B) PROVISION OF INFORMATION.—The  
22 amendment made by paragraph (2) shall apply  
23 to information provided under section  
24 1902(a)(43)(A) of the Social Security Act (42  
25 U.S.C. 1396a(a)(43)(A)) beginning with the

1 first calendar quarter beginning on or after the  
2 date that is 80 days after the date of the enact-  
3 ment of this Act.

4 (b) INCENTIVE FOR THE PROVISION OF DENTAL  
5 SERVICES TO CERTAIN INDIVIDUALS.—

6 (1) IN GENERAL.—Section 1902(a) of the So-  
7 cial Security Act (42 U.S.C. 1396a(a)) is amend-  
8 ed—

9 (A) in paragraph (13)—

10 (i) in subparagraph (B), by striking  
11 “and” at the end;

12 (ii) in subparagraph (C), by adding  
13 “and” at the end; and

14 (iii) by adding at the end the fol-  
15 lowing new subparagraph:

16 “(D) for payment for dental services fur-  
17 nished on or after the first day of the first cal-  
18 endar quarter beginning on or after the date  
19 that is 80 days after the date of the enactment  
20 of this subparagraph by a dentist to a specified  
21 individual (as defined in the matter at the end  
22 of section 1905(a)) under the age of 26 at a  
23 rate not less than the specified average rate (as  
24 defined in subsection (tt)) for such services.”;  
25 and

1 (B) by adding at the end the following new  
2 subsection:

3 “(tt) SPECIFIED AVERAGE RATE DEFINED.—

4 “(1) IN GENERAL.—For purposes of subsection  
5 (a)(13)(D), the term ‘specified average rate’ means,  
6 with respect to a dental service furnished in a State,  
7 the average of the contracted rates (as defined in  
8 paragraph (2)) in effect during the 5-year period  
9 ending on the date such service is so furnished—

10 “(A) for such service furnished in such  
11 State (as determined by the State); or

12 “(B) for such service furnished in the  
13 United States (as determined by the Secretary);  
14 as selected by such State.

15 “(2) CONTRACTED RATE DEFINED.—

16 “(A) IN GENERAL.—For purposes of para-  
17 graph (1), the term ‘contracted rate’ means,  
18 with respect to a dental service, a rate in effect  
19 between a health insurance issuer offering  
20 group or individual health insurance coverage  
21 or a group health plan (as such terms are de-  
22 fined in section 2791 of the Public Health Serv-  
23 ice Act) and a dentist with a contractual rela-  
24 tionship in effect with such issuer or plan (as  
25 applicable) for furnishing such service under

1 such coverage or plan (as applicable) that rep-  
2 represents the total amount payable (including cost  
3 sharing) under such coverage or plan (as appli-  
4 cable) for such service so furnished.

5 “(B) EXCLUSION OF SELF-INSURED  
6 GROUP HEALTH PLAN RATES.—For purposes of  
7 subparagraph (A), the term ‘contracted rate’  
8 shall not include a rate described in such sub-  
9 paragraph that is in effect between a self-in-  
10 sured group health plan and a dentist.”.

11 (2) MEDICAID MANAGED CARE PLANS.—Section  
12 1932(f) of the Social Security Act (42 U.S.C.  
13 1396u–2(f)) is amended—

14 (A) in the header, by striking “PRIMARY  
15 CARE SERVICES” and inserting “CERTAIN  
16 SERVICES”;

17 (B) by inserting “or dental services” after  
18 “primary care services”;

19 (C) by striking “section 1902(a)(13)(C)”  
20 and inserting “subparagraph (C) or (D), re-  
21 spectively, of section 1902(a)(13)”;

22 (D) by striking “such section” and insert-  
23 ing “such subparagraph (C) or (D), as applica-  
24 ble”.

1           (3) INCREASED FMAP FOR INCREASED EX-  
2           PENSES.—Section 1905 of the Social Security Act  
3           (42 U.S.C. 1396d) is amended by adding at the end  
4           the following new subsection:

5           “(gg) INCREASED FMAP FOR ADDITIONAL EXPEND-  
6           ITURES FOR DENTAL SERVICES.—Notwithstanding sub-  
7           section (b), with respect to the portion of the amounts ex-  
8           pended for medical assistance for services described in sec-  
9           tion 1902(a)(13)(D) furnished on or after the first day  
10          of the first calendar quarter beginning on or after the date  
11          that is 80 days after the date of the enactment of this  
12          subsection furnished to an individual described in such  
13          section by a dentist that is attributable to the amount by  
14          which the minimum payment rate required under such  
15          section (or, by application, section 1932(f)) exceeds the  
16          payment rate applicable to such services under the State  
17          plan as of July 1, 2020, the Federal medical assistance  
18          percentage for a State that is one of the 50 States or the  
19          District of Columbia shall be equal to 100 percent. The  
20          preceding sentence does not prohibit the payment of Fed-  
21          eral financial participation based on the Federal medical  
22          assistance percentage for amounts in excess of those speci-  
23          fied in such sentence.”.

1           (c) OUTREACH EFFORTS FOR ENROLLMENT OF  
2 FORMER FOSTER CHILDREN.—Section 1902(a) of the So-  
3 cial Security Act (42 U.S.C. 1396a(a)) is amended—

4           (1) in paragraph (85), by striking “; and” and  
5 inserting a semicolon;

6           (2) in paragraph (86), by striking the period at  
7 the end and inserting “; and”; and

8           (3) by inserting after paragraph (86) the fol-  
9 lowing new paragraph:

10           “(87) not later than 6 months after the date of  
11 the enactment of this paragraph—

12           “(A) establish an outreach and enrollment  
13 program, in coordination with the State agency  
14 responsible for administering the State plan  
15 under part E of title IV and any other appro-  
16 priate or interested agencies, designed to in-  
17 crease the enrollment of individuals who are eli-  
18 gible for medical assistance under the State  
19 plan under paragraph (10)(A)(i)(IX) in accord-  
20 ance with best practices established by the Sec-  
21 retary; and

22           “(B) establish an outreach program to  
23 dentists practicing in such State to encourage  
24 enrollment by such dentists in such plan as par-  
25 ticipating providers under such plan.”.



1           (d) PROVIDING FOR IMMEDIATE ELIGIBILITY FOR  
2 FORMER FOSTER YOUTH.—Section 1002(a)(2) of the  
3 SUPPORT for Patients and Communities Act (Public  
4 Law 115–271) is amended by striking “January 1, 2023”  
5 and inserting “the date of enactment of the Foster Youth  
6 Dental Act of 2020”.