

119TH CONGRESS
1ST SESSION

S. _____

To amend title XIX of the Social Security Act to increase transparency and expand coverage options with respect to home and community-based services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XIX of the Social Security Act to increase transparency and expand coverage options with respect to home and community-based services, 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 “Helping Communities
5 with Better Support Act”.

1 **SEC. 2. INCREASING TRANSPARENCY AND EXPANDING**
2 **HCBS COVERAGE OPTIONS.**

3 (a) IN GENERAL.—Section 1915(c) of the Social Se-
4 curity Act (42 U.S.C. 1396n(c)) is amended—

5 (1) in paragraph (2)(E)—

6 (A) by inserting “, not less frequently
7 than” before “annually”; and

8 (B) by inserting “(including, with respect
9 to such information provided on or after Janu-
10 ary 1, 2028, the information specified in para-
11 graph (12))” before the period at the end; and

12 (2) by adding at the end the following new
13 paragraphs:

14 “(11)(A) Notwithstanding paragraph (1), the Sec-
15 retary may approve a waiver under this subsection for a
16 State to include as ‘medical assistance’ under the State
17 plan of such State payment for part or all of the cost of
18 home or community-based services (other than room and
19 board (as described in such paragraph)) approved by the
20 Secretary which are provided pursuant to a written plan
21 of care to individuals other than individuals described in
22 such paragraph if such State meets the requirements spec-
23 ified in subparagraph (B).

24 “(B) For purposes of subparagraph (A), the re-
25 quirements specified in this subparagraph are, with
26 respect to a State, the following:

1 “(i) As of the date that such State re-
2 quests a waiver under this paragraph to provide
3 home or community-based services to individ-
4 uals—

5 “(I) with respect to whom there has
6 not been a determination described in
7 paragraph (1) made; and

8 “(II) who meet the definition of dis-
9 ability under section 3 of the Americans
10 with Disabilities Act of 1990 (42 U.S.C.
11 12102) or section 504 of the Rehabilitation
12 Act of 1973 (29 U.S.C. 794), all other
13 waivers (if any) granted under this sub-
14 section with respect to the State plan meet
15 the requirements of this subsection.

16 “(ii) The State demonstrates to the Sec-
17 retary that approval of a waiver under this sub-
18 section with respect to individuals described in
19 clause (i) will have no material impact on the
20 average amount of time that individuals with
21 respect to whom a determination described in
22 paragraph (1) has been made will need to wait
23 to receive home or community-based services
24 under any waiver granted under this subsection.

1 “(iii) The State provides to the Sec-
2 retary—

3 “(I) an estimate of the number of in-
4 dividuals described in clause (i) that the
5 State will make such services available to
6 under a waiver under this subsection; and

7 “(II) a description of how the types
8 and quantities of such services furnished to
9 such individuals under such a waiver may
10 differ from the types and quantities of
11 such services furnished to individuals not
12 described in clause (i) under such a waiver.

13 “(12) For purposes of paragraph (2)(E), the infor-
14 mation specified in this paragraph (which, beginning on
15 January 1, 2028, shall be made publicly available on the
16 website of the Centers for Medicare & Medicaid Services)
17 is the following:

18 “(A) In the case of a State that limits the num-
19 ber of individuals who may be provided home or
20 community-based services under a waiver granted
21 under this subsection—

22 “(i) a description of how the State main-
23 tains its list of individuals who have applied to
24 receive such services under such waiver but

1 who, due to such limit, have not yet been ap-
2 proved to receive such services;

3 “(ii) information on whether the State
4 screens individuals on such list to determine
5 whether such individuals are eligible to receive
6 such services under such waiver;

7 “(iii) information on whether (and, if ap-
8 plicable, how often) the State periodically re-
9 screens such individuals to determine whether
10 such individuals are so eligible; and

11 “(iv) the average amount of time that indi-
12 viduals approved to receive such services were
13 on such list.

14 “(B) A description of the types of services fur-
15 nished under a waiver under this subsection, includ-
16 ing—

17 “(i) the average amount of time from when
18 such services are initially approved for an indi-
19 vidual to when such individual begins receiving
20 such services; and

21 “(ii) with respect to the most recent 1-year
22 period ending on the date that such information
23 is provided to the Secretary for which data is
24 available (or such other period as may be speci-
25 fied by the Secretary), the average percentage

1 of hours of home or community-based services
2 authorized under written plans of care for indi-
3 viduals receiving such services under a waiver
4 granted under this subsection that are actually
5 furnished to such individual.

6 “(C) Information regarding access to home-
7 maker services, home health aide services, and per-
8 sonal care services under a waiver under this sub-
9 section, including—

10 “(i) with respect to the most recent 1-year
11 period ending on the date that such information
12 is provided to the Secretary for which data is
13 available, the average amount of time from
14 when homemaker services, home health aide
15 services, or personal care services are initially
16 approved to be furnished to individuals under
17 such a waiver to when services began; and

18 “(ii) with respect to the period described in
19 clause (i), the average percentage of hours of
20 homemaker services, home health aide services,
21 and personal care services authorized under
22 written plans of care for individuals receiving
23 such services under a waiver granted under this
24 subsection that are actually furnished to such
25 individual.”.

1 (b) GUIDANCE.—Not later than January 1, 2026, the
2 Secretary of Health and Human Services shall issue guid-
3 ance to States to clarify how a State with a waiver in ef-
4 fect under section 1915(c) of the Social Security Act (42
5 U.S.C. 1396n(c)) may provide, with respect to an indi-
6 vidual who is eligible for home and community-based serv-
7 ices (as such term is described in such section) under such
8 waiver, up to 60 days of coverage for such services under
9 an interim care plan for the period beginning on the date
10 such eligibility is determined and ending on the date that
11 a written plan of care (as such term is described in such
12 section) with respect to such individual is finalized.