

118TH CONGRESS  
2D SESSION

# H. R. 9351

To amend title XIX of the Social Security Act to modify certain limitations on disproportionate share hospital payment adjustments under the Medicaid program.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2024

Mr. LALOTA (for himself, Ms. CLARKE of New York, Mr. BUCSHON, Ms. MATSUI, Mr. LAWLER, and Mr. MRVAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to modify certain limitations on disproportionate share hospital payment adjustments 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 “Save our Safety-Net  
5 Hospitals Act of 2024”.

1 **SEC. 2. MODIFYING CERTAIN LIMITATIONS ON DISPROPOR-**  
2 **TIONATE SHARE HOSPITAL PAYMENT AD-**  
3 **JUSTMENTS UNDER THE MEDICAID PRO-**  
4 **GRAM.**

5 (a) IN GENERAL.—Section 1923(g) of the Social Se-  
6 curity Act (42 U.S.C. 1396r-4(g)) is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A)—

9 (i) in the matter preceding clause (i),  
10 by striking “(other than a hospital de-  
11 scribed in paragraph (2)(B))”;

12 (ii) in clause (i), by inserting “with  
13 respect to such hospital and year” after  
14 “described in subparagraph (B)”; and

15 (iii) in clause (ii)—

16 (I) in subclause (I), by striking  
17 “and” at the end;

18 (II) in subclause (II), by striking  
19 the period and inserting “; and”; and

20 (III) by adding at the end the  
21 following new subclause:

22 “(III) payments made under title  
23 XVIII or by an applicable plan (as de-  
24 fined in section 1862(b)(8)(F)) for  
25 such services.”; and

26 (B) in subparagraph (B)—

1 (i) in the matter preceding clause (i),  
2 by striking “in this clause are” and insert-  
3 ing “in this subparagraph are, with respect  
4 to a hospital and a year,”; and

5 (ii) by adding at the end the following  
6 new clause:

7 “(iii) Individuals who are eligible for  
8 medical assistance under the State plan or  
9 under a waiver of such plan and for whom  
10 the State plan or waiver is the secondary  
11 payor for such services after application of  
12 benefits under title XVIII or under an ap-  
13 plicable plan (as defined in section  
14 1862(b)(8)(F)), but only if the hospital  
15 has in the aggregate incurred costs exceed-  
16 ing payments under such State plan, waiv-  
17 er, title XVIII, or applicable plan for such  
18 services furnished to such individuals dur-  
19 ing such year.”;

20 (2) by striking paragraph (2);

21 (3) by redesignating paragraph (3) as para-  
22 graph (2); and

23 (4) in paragraph (2), as so redesignated, by  
24 striking “Notwithstanding paragraph (2) of this

1 subsection (as in effect on October 1, 2021), para-  
2 graph (2)” and inserting “Paragraph (2)”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by  
5 this section shall apply to payment adjustments  
6 made under section 1923 of the Social Security Act  
7 (42 U.S.C. 1396r-4) during fiscal years beginning  
8 on or after October 1, 2021.

9 (2) NO REQUIRED RECOUPMENT BASED ON  
10 CHANGE IN CAP AMOUNTS.—In the case of a pay-  
11 ment adjustment made by a State under section  
12 1923 of the Social Security Act (42 U.S.C. 1396r-  
13 4) prior to the date of the enactment of this Act  
14 that was, without application of the amendments  
15 made by this section, consistent with the method-  
16 ology of such State for making such adjustments,  
17 such adjustment shall be deemed to be consistent  
18 with such methodology with the application of such  
19 amendments.

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