

117TH CONGRESS  
2D SESSION

# H. R. 9359

To amend title XIX of the Social Security Act to allow States more flexibility with respect to using contractors to make eligibility determinations on behalf of the State Medicaid plan.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2022

Mr. CARTER of Georgia 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 allow States more flexibility with respect to using contractors to make eligibility determinations on behalf of the State Medicaid plan.

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 “Freedom to Use Con-  
5 tracted Entities Act”.

1 **SEC. 2. STATE FLEXIBILITY TO USE CONTRACTORS TO**  
2 **MAKE ELIGIBILITY DETERMINATIONS ON BE-**  
3 **HALF OF STATE.**

4 Section 1902(a)(5) of the Social Security Act (42  
5 U.S.C. 1396a(a)(5)) is amended by inserting before the  
6 semicolon at the end the following: “, but such determina-  
7 tions of eligibility may be made, at the option of a State,  
8 under a contract with another State or local agency or  
9 a contractor so long as the contract does not provide in-  
10 centives for the agency or contractor to delay eligibility  
11 determinations or to deny eligibility for individuals other-  
12 wise eligible for medical assistance”.

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