

119TH CONGRESS
1ST SESSION

S. 1989

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

JUNE 9, 2025

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

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 require-
 25 ments specified in this subparagraph are, with respect to
 26 a State, the following:

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

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

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

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

23 “(iii) The State provides to the Secretary—

24 “(I) an estimate of the number of individ-
25 uals described in clause (i) that the State will

1 make such services available to under a waiver
2 under this subsection; and

3 “(II) a description of how the types and
4 quantities of such services furnished to such in-
5 dividuals under such a waiver may differ from
6 the types and quantities of such services fur-
7 nished to individuals not described in clause (i)
8 under such a waiver.

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

14 “(A) In the case of a State that limits the num-
15 ber of individuals who may be provided home or
16 community-based services under a waiver granted
17 under this subsection—

18 “(i) a description of how the State main-
19 tains its list of individuals who have applied to
20 receive such services under such waiver but
21 who, due to such limit, have not yet been ap-
22 proved to receive such services;

23 “(ii) information on whether the State
24 screens individuals on such list to determine

1 whether such individuals are eligible to receive
2 such services under such waiver;

3 “(iii) information on whether (and, if ap-
4 plicable, how often) the State periodically re-
5 screens such individuals to determine whether
6 such individuals are so eligible; and

7 “(iv) the average amount of time that indi-
8 viduals approved to receive such services were
9 on such list.

10 “(B) A description of the types of services fur-
11 nished under a waiver under this subsection, includ-
12 ing—

13 “(i) the average amount of time from when
14 such services are initially approved for an indi-
15 vidual to when such individual begins receiving
16 such services; and

17 “(ii) with respect to the most recent 1-year
18 period ending on the date that such information
19 is provided to the Secretary for which data is
20 available (or such other period as may be speci-
21 fied by the Secretary), the average percentage
22 of hours of home or community-based services
23 authorized under written plans of care for indi-
24 viduals receiving such services under a waiver

1 granted under this subsection that are actually
2 furnished to such individual.

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

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

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

23 (b) GUIDANCE.—Not later than January 1, 2026, the
24 Secretary of Health and Human Services shall issue guid-
25 ance to States to clarify how a State with a waiver in ef-

1 fect under section 1915(c) of the Social Security Act (42
2 U.S.C. 1396n(c)) may provide, with respect to an indi-
3 vidual who is eligible for home and community-based serv-
4 ices (as such term is described in such section) under such
5 waiver, up to 60 days of coverage for such services under
6 an interim care plan for the period beginning on the date
7 such eligibility is determined and ending on the date that
8 a written plan of care (as such term is described in such
9 section) with respect to such individual is finalized.

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