

110TH CONGRESS  
1ST SESSION

# S. 142

To amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Ms. CANTWELL (for herself, Mrs. MURRAY, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures.

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. AUTHORITY FOR QUALIFYING STATES TO USE**

4                       **ALL OR ANY PORTION OF THEIR SCHIP AL-**  
5                       **LOTMENTS FOR CERTAIN MEDICAID EXPEND-**  
6                       **ITURES.**

7       (a) IN GENERAL.—Section 2105(g)(1)(A) of the So-  
8       cial Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amend-

1 ed by section 201(b) of the National Institutes of Health  
 2 Reform Act of 2006, is amended by striking “not more  
 3 than 20 percent of any allotment under section 2104 for  
 4 fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006,  
 5 or 2007” and inserting “all or any portion of any allot-  
 6 ment made to the State under section 2104 for a fiscal  
 7 year”.

8 (b) ADDITIONAL REQUIREMENTS.—Section  
 9 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is  
 10 amended—

11 (1) by striking “a State, that, on” and inserting  
 12 “a State that is described in subparagraph (A) and  
 13 satisfies all of the requirements of subparagraph  
 14 (B).

15 “(A) STATE DESCRIBED.—A State de-  
 16 scribed in this subparagraph is a State that,  
 17 on”; and

18 (2) by adding at the end the following:

19 “(B) REQUIREMENTS.—The requirements  
 20 of this subparagraph are the following:

21 “(i) NO REDUCTION IN MEDICAID OR  
 22 SCHIP INCOME ELIGIBILITY.—Since Janu-  
 23 ary 1, 2001, the State has not reduced the  
 24 income, assets, or resource requirements  
 25 for eligibility for medical assistance under

1 title XIX or for child health assistance  
2 under this title.

3 “(ii) NO WAITING LIST IMPOSED.—  
4 The State does not impose any numerical  
5 limitation, waiting list, or similar limita-  
6 tion on the eligibility of children for med-  
7 ical assistance under title XIX or child  
8 health assistance under this title and does  
9 not limit the acceptance of applications for  
10 such assistance.

11 “(iii) PROVIDES ASSISTANCE TO ALL  
12 CHILDREN WHO APPLY AND QUALIFY.—  
13 The State provides medical assistance  
14 under title XIX or child health assistance  
15 under this title to all children in the State  
16 who apply for and meet the eligibility  
17 standards for such assistance.

18 “(iv) PROTECTION AGAINST INABILITY  
19 TO PAY PREMIUMS OR COPAYMENTS.—The  
20 State ensures that no child loses coverage  
21 under title XIX or this title, or is denied  
22 needed care, as a result of the child’s par-  
23 ents’ inability to pay any premiums or  
24 cost-sharing required under such title.

1           “(v) ADDITIONAL REQUIREMENTS.—  
2           The State has implemented at least 3 of  
3           the following policies and procedures (re-  
4           lating to coverage of children under title  
5           XIX and this title):

6                   “(I) SIMPLIFIED APPLICATION  
7                   FORM.—With respect to children who  
8                   are eligible for medical assistance  
9                   under title XIX, the State uses the  
10                  same simplified application form (in-  
11                  cluding, if applicable, permitting ap-  
12                  plication other than in person) for  
13                  purposes of establishing eligibility for  
14                  assistance under title XIX and this  
15                  title.

16                  “(II) ELIMINATION OF ASSET  
17                  TEST.—The State does not apply any  
18                  asset test for eligibility under title  
19                  XIX or this title with respect to chil-  
20                  dren.

21                  “(III) ADOPTION OF 12-MONTH  
22                  CONTINUOUS ENROLLMENT.—The  
23                  State provides that eligibility shall not  
24                  be regularly redetermined more often  
25                  than once every year under this title

1 or for children eligible for medical as-  
2 sistance under title XIX.

3 “(IV) SAME VERIFICATION AND  
4 REDETERMINATION POLICIES; AUTO-  
5 MATIC REASSESSMENT OF ELIGI-  
6 BILITY.—With respect to children who  
7 are eligible for medical assistance  
8 under section 1902(a)(10)(A), the  
9 State provides for initial eligibility de-  
10 terminations and redeterminations of  
11 eligibility using the same verification  
12 policies (including with respect to  
13 face-to-face interviews), forms, and  
14 frequency as the State uses for such  
15 purposes under this title, and, as part  
16 of such redeterminations, provides for  
17 the automatic reassessment of the eli-  
18 gibility of such children for assistance  
19 under title XIX and this title.

20 “(V) OUTSTATIONING ENROLL-  
21 MENT STAFF.—The State provides for  
22 the receipt and initial processing of  
23 applications for benefits under this  
24 title and for children under title XIX  
25 at facilities defined as dispropor-

1                    tionate share hospitals under section  
2                    1923(a)(1)(A) and Federally-qualified  
3                    health centers described in section  
4                    1905(l)(2)(B) consistent with section  
5                    1902(a)(55).”.

6            (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on October 1, 2007, and shall  
8 apply to expenditures described in section  
9 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C.  
10 1397ee(g)(1)(B)(ii)) that are made after that date.

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