

In the Senate of the United States,

October 4 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 4386) entitled “An Act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Breast and Cervical*

3 *Cancer Prevention and Treatment Act of 2000”.*

1 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN**
2 **BREAST OR CERVICAL CANCER PATIENTS.**

3 (a) *COVERAGE AS OPTIONAL CATEGORICALLY NEEDY*
4 *GROUP.*—

5 (1) *IN GENERAL.*—Section 1902(a)(10)(A)(i) of
6 the Social Security Act (42 U.S.C.
7 1396a(a)(10)(A)(i)) is amended—

8 (A) in subclause (XVI), by striking “or” at
9 the end;

10 (B) in subclause (XVII), by adding “or” at
11 the end; and

12 (C) by adding at the end the following:

13 “(XVIII) who are described in
14 subsection (aa) (relating to certain
15 breast or cervical cancer patients);”.

16 (2) *GROUP DESCRIBED.*—Section 1902 of the So-
17 cial Security Act (42 U.S.C. 1396a) is amended by
18 adding at the end the following:

19 “(aa) Individuals described in this subsection are indi-
20 viduals who—

21 “(1) are not described in subsection
22 (a)(10)(A)(i);

23 “(2) have not attained age 65;

24 “(3) have been screened for breast and cervical
25 cancer under the Centers for Disease Control and Pre-
26 vention breast and cervical cancer early detection

1 *program established under title XV of the Public*
2 *Health Service Act (42 U.S.C. 300k et seq.) in accord-*
3 *ance with the requirements of section 1504 of that Act*
4 *(42 U.S.C. 300n) and need treatment for breast or*
5 *cervical cancer; and*

6 *“(4) are not otherwise covered under creditable*
7 *coverage, as defined in section 2701(c) of the Public*
8 *Health Service Act (42 U.S.C. 300gg(c)).”.*

9 (3) *LIMITATION ON BENEFITS.—Section*
10 *1902(a)(10) of the Social Security Act (42 U.S.C.*
11 *1396a(a)(10)) is amended in the matter following*
12 *subparagraph (G)—*

13 (A) *by striking “and (XIII)” and inserting*

14 *“(XIII)”;* *and*

15 (B) *by inserting “, and (XIV) the medical*
16 *assistance made available to an individual de-*
17 *scribed in subsection (aa) who is eligible for*
18 *medical assistance only because of subparagraph*
19 *(A)(10)(i)(XVIII) shall be limited to medical as-*
20 *sistance provided during the period in which*
21 *such an individual requires treatment for breast*
22 *or cervical cancer” before the semicolon.*

23 (4) *CONFORMING AMENDMENTS.—Section*
24 *1905(a) of the Social Security Act (42 U.S.C.*

1 1396d(a)) is amended in the matter preceding para-
2 graph (1)—

3 (A) in clause (xi), by striking “or” at the
4 end;

5 (B) in clause (xii), by adding “or” at the
6 end; and

7 (C) by inserting after clause (xii) the fol-
8 lowing:

9 “(xiii) individuals described in section
10 1902(aa),”.

11 (b) *PRESUMPTIVE ELIGIBILITY.*—

12 (1) *IN GENERAL.*—Title XIX of the Social Secu-
13 rity Act (42 U.S.C. 1396 et seq.) is amended by in-
14 serting after section 1920A the following:

15 “*PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR*
16 *CERVICAL CANCER PATIENTS*

17 “*SEC. 1920B. (a) STATE OPTION.*—A State plan ap-
18 proved under section 1902 may provide for making medical
19 assistance available to an individual described in section
20 1902(aa) (relating to certain breast or cervical cancer pa-
21 tients) during a presumptive eligibility period.

22 “(b) *DEFINITIONS.*—For purposes of this section:

23 “(1) *PRESUMPTIVE ELIGIBILITY PERIOD.*—The
24 term ‘presumptive eligibility period’ means, with re-
25 spect to an individual described in subsection (a), the
26 period that—

1 “(A) begins with the date on which a quali-
2 fied entity determines, on the basis of prelimi-
3 nary information, that the individual is de-
4 scribed in section 1902(aa); and

5 “(B) ends with (and includes) the earlier
6 of—

7 “(i) the day on which a determination
8 is made with respect to the eligibility of
9 such individual for services under the State
10 plan; or

11 “(ii) in the case of such an individual
12 who does not file an application by the last
13 day of the month following the month dur-
14 ing which the entity makes the determina-
15 tion referred to in subparagraph (A), such
16 last day.

17 “(2) QUALIFIED ENTITY.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the term ‘qualified entity’ means any
20 entity that—

21 “(i) is eligible for payments under a
22 State plan approved under this title; and

23 “(ii) is determined by the State agency
24 to be capable of making determinations of
25 the type described in paragraph (1)(A).

1 “(B) *REGULATIONS.*—*The Secretary may*
2 *issue regulations further limiting those entities*
3 *that may become qualified entities in order to*
4 *prevent fraud and abuse and for other reasons.*

5 “(C) *RULE OF CONSTRUCTION.*—*Nothing in*
6 *this paragraph shall be construed as preventing*
7 *a State from limiting the classes of entities that*
8 *may become qualified entities, consistent with*
9 *any limitations imposed under subparagraph*
10 *(B).*

11 “(c) *ADMINISTRATION.*—

12 “(1) *IN GENERAL.*—*The State agency shall pro-*
13 *vide qualified entities with—*

14 “(A) *such forms as are necessary for an ap-*
15 *plication to be made by an individual described*
16 *in subsection (a) for medical assistance under*
17 *the State plan; and*

18 “(B) *information on how to assist such in-*
19 *dividuals in completing and filing such forms.*

20 “(2) *NOTIFICATION REQUIREMENTS.*—*A quali-*
21 *fied entity that determines under subsection (b)(1)(A)*
22 *that an individual described in subsection (a) is pre-*
23 *sumptively eligible for medical assistance under a*
24 *State plan shall—*

1 “(A) notify the State agency of the deter-
2 mination within 5 working days after the date
3 on which determination is made; and

4 “(B) inform such individual at the time the
5 determination is made that an application for
6 medical assistance under the State plan is re-
7 quired to be made by not later than the last day
8 of the month following the month during which
9 the determination is made.

10 “(3) APPLICATION FOR MEDICAL ASSISTANCE.—
11 In the case of an individual described in subsection
12 (a) who is determined by a qualified entity to be pre-
13 sumptively eligible for medical assistance under a
14 State plan, the individual shall apply for medical as-
15 sistance under such plan by not later than the last
16 day of the month following the month during which
17 the determination is made.

18 “(d) PAYMENT.—Notwithstanding any other provision
19 of this title, medical assistance that—

20 “(1) is furnished to an individual described in
21 subsection (a)—

22 “(A) during a presumptive eligibility pe-
23 riod;

24 “(B) by a entity that is eligible for pay-
25 ments under the State plan; and

1 “(2) is included in the care and services covered
2 by the State plan,
3 shall be treated as medical assistance provided by such plan
4 for purposes of clause (4) of the first sentence of section
5 1905(b).”.

6 (2) *CONFORMING AMENDMENTS.*—

7 (A) Section 1902(a)(47) of the Social Secu-
8 rity Act (42 U.S.C. 1396a(a)(47)) is amended by
9 inserting before the semicolon at the end the fol-
10 lowing: “and provide for making medical assist-
11 ance available to individuals described in sub-
12 section (a) of section 1920B during a presump-
13 tive eligibility period in accordance with such
14 section”.

15 (B) Section 1903(u)(1)(D)(v) of such Act
16 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

17 (i) by striking “or for” and inserting
18 “, for”; and

19 (ii) by inserting before the period the
20 following: “, or for medical assistance pro-
21 vided to an individual described in sub-
22 section (a) of section 1920B during a pre-
23 sumptive eligibility period under such sec-
24 tion”.

1 (c) *ENHANCED MATCH.*—*The first sentence of section*
2 *1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is*
3 *amended—*

4 (1) *by striking “and” before “(3)”;* and

5 (2) *by inserting before the period at the end the*
6 *following: “, and (4) the Federal medical assistance*
7 *percentage shall be equal to the enhanced FMAP de-*
8 *scribed in section 2105(b) with respect to medical as-*
9 *sistance provided to individuals who are eligible for*
10 *such assistance only on the basis of section*
11 *1902(a)(10)(A)(ii)(XVIII)”.*

12 (d) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section apply to medical assistance for items and services*
14 *furnished on or after October 1, 2000, without regard to*
15 *whether final regulations to carry out such amendments*
16 *have been promulgated by such date.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 4386

AMENDMENT