

108TH CONGRESS
1ST SESSION

S. 1976

To amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. AKAKA, Mr. REED, Mr. CHAFEE, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures, 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 "Children's Health Eq-
5 uity Technical Amendments Act of 2003".

1 **SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE POR-**
 2 **TION OF SCHIP ALLOTMENT FOR ANY FISCAL**
 3 **YEAR FOR CERTAIN MEDICAID EXPENDI-**
 4 **TURES.**

5 (a) IN GENERAL.—Section 2105(g)(1)(A) of the So-
 6 cial Security Act (42 U.S.C. 1397ee(g)(1)(A)) (as added
 7 by section 1(b) of Public Law 108–74) is amended by
 8 striking “, 1999, 2000, or 2001” and inserting “and any
 9 fiscal year thereafter”.

10 (b) SPECIAL RULE FOR USE OF ALLOTMENTS FOR
 11 FISCAL YEAR 2002 OR THEREAFTER.—Section 2105(g)
 12 of the Social Security Act (42 U.S.C. 1397ee(g)) (as so
 13 added and as amended by Public Law 108–127) is amend-
 14 ed—

15 (1) in paragraph (2), by striking “In this sub-
 16 section” and inserting “Subject to paragraph (4), in
 17 this subsection”; and

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

19 “(4) SPECIAL RULE REGARDING AUTHORITY TO
 20 USE PORTION OF ALLOTMENTS FOR FISCAL YEAR
 21 2002 OR THEREAFTER.—Notwithstanding paragraph
 22 (2), the authority provided under paragraph (1)(A)
 23 with respect to any allotment under section 2104 for
 24 fiscal year 2002 or any fiscal year thereafter (inso-
 25 far as the allotment is available under subsections
 26 (e) and (g) of such section), shall only apply to a

1 qualifying State if the State has implemented at
2 least 3 of the following policies and procedures (re-
3 lating to coverage of children under title XIX and
4 this title):

5 “(A) UNIFORM, SIMPLIFIED APPLICATION
6 FORM.—With respect to children who are eligi-
7 ble for medical assistance under section
8 1902(a)(10)(A), the State uses the same uni-
9 form, simplified application form (including, if
10 applicable, permitting application other than in
11 person) for purposes of establishing eligibility
12 for benefits under title XIX and this title.

13 “(B) ELIMINATION OF ASSET TEST.—The
14 State does not apply any asset test for eligi-
15 bility under section 1902(l) or this title with re-
16 spect to children.

17 “(C) ADOPTION OF 12-MONTH CONTIN-
18 UOUS ENROLLMENT.—The State provides that
19 eligibility shall not be regularly redetermined
20 more often than once every year under this title
21 or for children described in section
22 1902(a)(10)(A).

23 “(D) SAME VERIFICATION AND REDETER-
24 MINATION POLICIES; AUTOMATIC REASSESS-
25 MENT OF ELIGIBILITY.—With respect to chil-

1 dren who are eligible for medical assistance
2 under section 1902(a)(10)(A), the State pro-
3 vides for initial eligibility determinations and
4 redeterminations of eligibility using the same
5 verification policies (including with respect to
6 face-to-face interviews), forms, and frequency
7 as the State uses for such purposes under this
8 title, and, as part of such redeterminations,
9 provides for the automatic reassessment of the
10 eligibility of such children for assistance under
11 title XIX and this title.

12 “(E) OUTSTATIONING ENROLLMENT
13 STAFF.—The State provides for the receipt and
14 initial processing of applications for benefits
15 under this title and for children under title XIX
16 at facilities defined as disproportionate share
17 hospitals under section 1923(a)(1)(A) and Fed-
18 erally-qualified health centers described in sec-
19 tion 1905(l)(2)(B) consistent with section
20 1902(a)(55).”.

21 (c) CONFORMING AMENDMENT.—Section 2105(g)(3)
22 of the Social Security Act (42 U.S.C. 1397ee(g)(3)) is
23 amended by striking “paragraphs (1) and (2)” and insert-
24 ing “this subsection”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section take effect as if enacted on October 1, 2003.

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