

109TH CONGRESS
1ST SESSION

S. 311

To amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. COLEMAN, Mr. CORZINE, Ms. SNOWE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Mr. DEWINE, Mr. BAYH, Mr. REED, Mr. KERRY, Mr. SCHUMER, Mr. DAYTON, Mr. WYDEN, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. NELSON of Florida, Ms. STABENOW, Mr. JOHNSON, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD and Mr. SARBANES) 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 permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

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 “Early Treatment for
5 HIV Act of 2005”.

1 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME**
2 **HIV-INFECTED INDIVIDUALS.**

3 (a) IN GENERAL.—Section 1902 of the Social Secu-
4 rity Act (42 U.S.C. 1396a) is amended—

5 (1) in subsection (a)(10)(A)(ii)—

6 (A) by striking “or” at the end of sub-
7 clause (XVII);

8 (B) by adding “or” at the end of subclause
9 (XVIII); and

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

11 “(XIX) who are described in sub-
12 section (cc) (relating to HIV-infected
13 individuals);”; and

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

15 “(cc) HIV-infected individuals described in this sub-
16 section are individuals not described in subsection
17 (a)(10)(A)(i)—

18 “(1) who have HIV infection;

19 “(2) whose income (as determined under the
20 State plan under this title with respect to disabled
21 individuals) does not exceed the maximum amount
22 of income a disabled individual described in sub-
23 section (a)(10)(A)(i) may have and obtain medical
24 assistance under the plan; and

25 “(3) whose resources (as determined under the
26 State plan under this title with respect to disabled

1 individuals) do not exceed the maximum amount of
 2 resources a disabled individual described in sub-
 3 section (a)(10)(A)(i) may have and obtain medical
 4 assistance under the plan.”.

5 (b) ENHANCED MATCH.—The first sentence of sec-
 6 tion 1905(b) of the Social Security Act (42 U.S.C.
 7 1396d(b)) is amended by striking “section
 8 1902(a)(10)(A)(ii)(XVIII)” and inserting “subclause
 9 (XVIII) or (XIX) of section 1902(a)(10)(A)(ii)”.

10 (c) CONFORMING AMENDMENTS.—Section 1905(a) of
 11 the Social Security Act (42 U.S.C. 1396d(a)) is amended
 12 in the matter preceding paragraph (1)—

13 (1) by striking “or” at the end of clause (xii);

14 (2) by adding “or” at the end of clause (xiii);

15 and

16 (3) by inserting after clause (xiii) the following:

17 “(xiv) individuals described in section
 18 1902(cc);”.

19 (d) EXEMPTION FROM FUNDING LIMITATION FOR
 20 TERRITORIES.—Section 1108(g) of the Social Security
 21 Act (42 U.S.C. 1308(g)) is amended by adding at the end
 22 the following:

23 “(3) DISREGARDING MEDICAL ASSISTANCE FOR
 24 OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-
 25 UALS.—The limitations under subsection (f) and the

1 previous provisions of this subsection shall not apply
2 to amounts expended for medical assistance for indi-
3 viduals described in section 1902(cc) who are only
4 eligible for such assistance on the basis of section
5 1902(a)(10)(A)(ii)(XIX).”.

6 (e) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to calendar quarters beginning on
8 or after the date of the enactment of this Act, without
9 regard to whether or not final regulations to carry out
10 such amendments have been promulgated by such date.

○