

109TH CONGRESS
2^D SESSION

S. 3924

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2006

Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI) 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 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)) is amended

1 by striking “not more than 20 percent of any allotment
2 under section 2104 for fiscal year 1998, 1999, 2000,
3 2001, 2004, or 2005” and inserting “all or any portion
4 of any allotment made to the State under section 2104
5 for a fiscal year”.

6 (b) ADDITIONAL REQUIREMENTS.—Section
7 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is
8 amended—

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

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

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

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

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

1 “(ii) NO WAITING LIST IMPOSED.—

2 The State does not impose any numerical
3 limitation, waiting list, or similar limita-
4 tion on the eligibility of children for med-
5 ical assistance under title XIX or child
6 health assistance under this title and does
7 not limit the acceptance of applications for
8 such assistance.

9 “(iii) PROVIDES ASSISTANCE TO ALL
10 CHILDREN WHO APPLY AND QUALIFY.—

11 The State provides medical assistance
12 under title XIX or child health assistance
13 under this title to all children in the State
14 who apply for and meet the eligibility
15 standards for such assistance.

16 “(iv) PROTECTION AGAINST INABILITY
17 TO PAY PREMIUMS OR COPAYMENTS.—The

18 State ensures that no child loses coverage
19 under title XIX or this title, or is denied
20 needed care, as a result of the child’s par-
21 ents’ inability to pay any premiums or
22 cost-sharing required under such title.

23 “(v) ADDITIONAL REQUIREMENTS.—

24 The State has implemented at least 3 of
25 the following policies and procedures (re-

1 lating to coverage of children under title
2 XIX and this title):

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

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

18 “(III) ADOPTION OF 12-MONTH
19 CONTINUOUS ENROLLMENT.—The
20 State provides that eligibility shall not
21 be regularly redetermined more often
22 than once every year under this title
23 or for children eligible for medical as-
24 sistance under title XIX.

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

18 “(V) OUTSTATIONING ENROLL-
19 MENT STAFF.—The State provides for
20 the receipt and initial processing of
21 applications for benefits under this
22 title and for children under title XIX
23 at facilities defined as dispropor-
24 tionate share hospitals under section
25 1923(a)(1)(A) and Federally-qualified

1 health centers described in section
2 1905(l)(2)(B) consistent with section
3 1902(a)(55).”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on October 1, 2006, and shall
6 apply to expenditures described in section
7 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C.
8 1397ee(g)(1)(B)(ii)) that are made after that date.

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