

111TH CONGRESS
2^D SESSION

S. 4057

To provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2010

Mr. SANDERS (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, 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 “State Leadership in
5 Health Care Act”.

1 **SEC. 2. EARLIER START FOR STATE HEALTH CARE COV-**
 2 **ERAGE INNOVATION WAIVERS.**

3 (a) IN GENERAL.—Section 1332 of the Patient Pro-
 4 tection and Affordable Care Act (42 U.S.C. 18052) is
 5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “January
 8 1, 2017” and inserting “January 1, 2014”; and

9 (B) in paragraph (4)(B)(ii), by inserting “,
 10 beginning not later than 180 days after the
 11 date of enactment of the State Leadership in
 12 Health Care Act,” after “application”; and

13 (2) by amending subsection (e) to read as fol-
 14 lows:

15 “(e) TERM OF WAIVER.—

16 “(1) IN GENERAL.—No waiver under this sec-
 17 tion may extend over a period of more than 5 years
 18 unless the State requests continuation of such waiv-
 19 er and such request is granted by the Secretary
 20 under paragraph (2).

21 “(2) APPROVAL OF REQUEST.—

22 “(A) IN GENERAL.—A request under para-
 23 graph (1) shall be deemed granted unless the
 24 Secretary, not later than 90 days after the date
 25 of submission to the Secretary of such request,
 26 either denies such request in writing or informs

1 the State in writing with respect to any addi-
2 tional information that is needed in order to
3 make a final determination with respect to the
4 request.

5 “(B) DENIAL OF REQUEST.—The Sec-
6 retary may deny such a request only if the Sec-
7 retary—

8 “(i) determines that the State plan
9 under the waiver to be continued did not
10 meet the requirements under subsection
11 (b);

12 “(ii) notifies the State in writing of
13 the requirements under subsection (b) that
14 the State plan did not meet and provides
15 to the State the information used by the
16 Secretary in making that determination;
17 and

18 “(iii) provides the State with an op-
19 portunity to appeal such determination and
20 provide information as to how such re-
21 quirements were met.

22 “(C) RECONSIDERATION OF REQUEST.—In
23 the case of an appeal described in subparagraph
24 (B)(iii), the Secretary shall consider any infor-
25 mation provided under such clause and recon-

1 sider the determination made under subpara-
2 graph (B)(i). The Secretary shall grant the re-
3 quest if the Secretary determines upon recon-
4 sideration that the State plan meets such re-
5 quirements.”.

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