

116TH CONGRESS  
1ST SESSION

# H. R. 3842

To amend titles XIX and XXI of the Social Security Act to require a State child health plan to include certain lead screening coverage and to codify such requirement under the Medicaid program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Mr. KATKO (for himself, Mr. WELCH, Mr. CICILLINE, Mr. MORELLE, Mr. FITZPATRICK, Ms. MOORE, and Mr. BALDERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles XIX and XXI of the Social Security Act to require a State child health plan to include certain lead screening coverage and to codify such requirement under the Medicaid program.

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 “Preventing Lead Poi-  
5 soning Act of 2019”.

1 **SEC. 2. REQUIRING A STATE CHILD HEALTH PLAN TO IN-**  
2 **CLUDE CERTAIN LEAD SCREENING COV-**  
3 **ERAGE FOR CHILDREN; CODIFICATION OF**  
4 **REQUIREMENT UNDER MEDICAID.**

5 (a) CHIP.—

6 (1) IN GENERAL.—Section 2103 of the Social  
7 Security Act (42 U.S.C. 1397cc) is amended—

8 (A) in subsection (a), by striking “para-  
9 graphs (5), (6), (7), and (8)” and inserting  
10 “paragraphs (5) through (9)”; and

11 (B) in subsection (c)—

12 (i) by redesignating paragraphs (8)  
13 and (9) as paragraphs (9) and (10), re-  
14 spectively; and

15 (ii) by inserting after paragraph (7)  
16 the following new paragraph:

17 “(8) COVERAGE OF LEAD BLOOD LEVEL AS-  
18 SESSMENTS.—

19 “(A) IN GENERAL.—The child health as-  
20 sistance provided to a targeted low-income child  
21 shall include coverage of lead blood level assess-  
22 ments at the times and in the amounts specified  
23 in subparagraph (B).

24 “(B) SPECIFIED TIMES AND AMOUNTS.—  
25 The times and amounts specified in this sub-  
26 paragraph are, with respect to coverage of lead

1 blood level assessments and a targeted low-in-  
2 come child, the following:

3 “(i) 1 such assessment at the age of  
4 12 months;

5 “(ii) 1 such assessment at the age of  
6 24 months; and

7 “(iii) in the case of such a child with  
8 no record of any such assessment having  
9 been performed and who is between the  
10 ages of 24 months and 72 months, 1 such  
11 assessment.”.

12 (2) EFFECTIVE DATE.—

13 (A) IN GENERAL.—Subject to paragraph  
14 (2), the amendments made by this section shall  
15 take effect with respect to child health assist-  
16 ance provided on or after the date that is 1  
17 year after the date of the enactment of this Act.

18 (B) EXCEPTION FOR STATE LEGISLA-  
19 TION.—In the case of a State child health plan  
20 under title XXI of the Social Security Act (or  
21 a waiver of such plan), which the Secretary of  
22 Health and Human Services determines re-  
23 quires State legislation in order for the respec-  
24 tive plan (or waiver) to meet any requirement  
25 imposed by the amendments made by this sec-

1           tion, the respective plan (or waiver) shall not be  
2           regarded as failing to comply with the require-  
3           ments of such title solely on the basis of its fail-  
4           ure to meet such an additional requirement be-  
5           fore the first day of the first calendar quarter  
6           beginning after the close of the first regular  
7           session of the State legislature that begins after  
8           the date of enactment of this section. For pur-  
9           poses of the previous sentence, in the case of a  
10          State that has a 2-year legislative session, each  
11          year of the session shall be considered to be a  
12          separate regular session of the State legislature.

13          (b) MEDICAID.—Section 1905(r) of the Social Secu-  
14          rity Act (42 U.S.C. 1396d(r)) is amended—

15                 (1) in paragraph (1)(B)(iv), by inserting “and  
16                 at the times and in the amounts specified in para-  
17                 graph (6)” after “factors”; and

18                 (2) by inserting after paragraph (5) the fol-  
19                 lowing new paragraph:

20                         “(6) The times and amounts specified in this  
21                         paragraph are, with respect to coverage of lead blood  
22                         level assessments and an individual, the following:

23                                 “(A) 1 such assessment at the age of 12  
24                                 months;

1           “(B) 1 such assessment at the age of 24  
2           months; and

3           “(C) in the case of such a child with no  
4           record of any such assessment having been per-  
5           formed and who is between the ages of 24  
6           months and 72 months, 1 such assessment.”.

7           (c) CLARIFICATION.—None of the amendments made  
8           by this section may be construed as prohibiting a State  
9           from providing coverage of lead blood level assessments  
10          under title XIX or XXI of the Social Security Act at a  
11          frequency that is greater than the frequency described in  
12          such amendments or to an individual outside of the ages  
13          described in such amendments.

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