

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	

GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to House Committee Report 486 Part 1	Link to the Bill Summary & Status file.	Full Display - 11,132 bytes. [Help]
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**To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening...
(Introduced in the House)**

HR 1070 IH

106th CONGRESS

1st Session

H. R. 1070

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

IN THE HOUSE OF REPRESENTATIVES

March 11, 1999

Mr. LAZIO (for himself, Ms. ESHOO, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mrs. MORELLA, Mrs. KELLY, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. HORN, Mr. DIXON, Ms. PELOSI, Mr. LATOURETTE, Mr. WAXMAN, Mr. SERRANO, Mr. GILMAN, Mr. MALONEY of Connecticut, Mr. MEEHAN, Mr. WELDON of Pennsylvania, Mr. UNDERWOOD, Mr. SHOWS, Mr. ABERCROMBIE, Mr. MCHUGH, Mr. ETHERIDGE, Mr. SANDERS, Mrs. CLAYTON, Mr. WALSH, Mr. MCGOVERN, Mr. MCNULTY, Mr. FROST, Mr. NEY, Mr. OLVER, Ms. MILLENDER-MCDONALD, Mr. CROWLEY, Mr. SUNUNU, Mr. CLEMENT, Mr. STARK, Ms. CARSON, Mr. FOLEY, Mr. COYNE, Mr. LANTOS, Mr. INSLEE, Mrs. WILSON, Mr. SHERMAN, Mr. BALDACCI, Mr. BOEHLERT, Mr. LUTHER, Mr. HINOJOSA, Mr. DEFAZIO, Mr. QUINN, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. WEYGAND, Mr. FORBES, Mr. MEEKS of New York, Mr. NADLER, Mr. BARRETT of Wisconsin, Ms. WOOLSEY, Mr. KUCINICH, Mr. KING, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. BILBRAY, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. KLECZKA, Mr. PAYNE, Mr. WYNN, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. MASCARA, Mr. LOBIONDO, Mr. OBERSTAR, Mr. LEACH, Mr. RUSH, Mr. MATSUI, Mr. DINGELL, Mrs. EMERSON, Mr. FILNER, Mrs. MYRICK, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP-

(1) IN GENERAL- Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended--

(A) in subclause (XIII), by striking 'or' at the end;

(B) in subclause (XIV), by adding 'or' at the end; and

(C) by adding at the end the following:

'(XV) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);'.

(2) GROUP DESCRIBED- Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

'(aa) Individuals described in this paragraph are individuals who--

'(1) are not described in subsection (a)(10)(A)(i);

'(2) have not attained age 65;

'(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

'(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).'.

(3) LIMITATION ON BENEFITS- Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)--

(A) by striking 'and (XIII)' and inserting '(XIII)'; and

(B) by inserting ', and (XIV) the medical assistance made available to an individual

described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XV) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer' before the semicolon.

(4) CONFORMING AMENDMENTS- Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)--

(A) in clause (x), by striking 'or' at the end;

(B) in clause (xi), by adding 'or' at the end; and

(C) by inserting after clause (xi) the following:

'(xii) individuals described in section 1902(aa),'

(b) PRESUMPTIVE ELIGIBILITY-

(1) IN GENERAL- Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

'PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

'SEC. 1920B. (a) STATE OPTION- A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

'(b) DEFINITIONS- For purposes of this section:

'(1) PRESUMPTIVE ELIGIBILITY PERIOD- The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that--

'(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

'(B) ends with (and includes) the earlier of--

'(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

'(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

'(2) QUALIFIED ENTITY-

'(A) IN GENERAL- Subject to subparagraph (B), the term 'qualified entity' means any entity that--

‘(i) is eligible for payments under a State plan approved under this title; and

‘(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

‘(B) REGULATIONS- The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

‘(C) RULE OF CONSTRUCTION- Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

‘(c) ADMINISTRATION-

‘(1) IN GENERAL- The State agency shall provide qualified entities with--

‘(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

‘(B) information on how to assist such individuals in completing and filing such forms.

‘(2) NOTIFICATION REQUIREMENTS- A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall--

‘(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

‘(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

‘(3) APPLICATION FOR MEDICAL ASSISTANCE- In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

‘(d) PAYMENT- Notwithstanding any other provision of this title, medical assistance that--

‘(1) is furnished to an individual described in subsection (a)--

‘(A) during a presumptive eligibility period;

‘(B) by a entity that is eligible for payments under the State plan; and

‘(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).’.

(2) CONFORMING AMENDMENTS-

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ‘and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section’.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended--

(i) by striking ‘or for’ and inserting ‘, for’; and

(ii) by inserting before the period the following: ‘, or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section’.

(c) ENHANCED MATCH- Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended--

(1) by striking ‘an’ and inserting ‘(A) an’;

(2) by adding ‘plus’ after the semicolon; and

(3) by adding at the end the following:

‘(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of breast or cervical cancer-related treatment services; plus’.

(d) EFFECTIVE DATE- The amendments made by this section apply to medical assistance furnished on or after October 1, 1999, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	

THIS SEARCH

Next Hit

Prev Hit

Hit List

THIS DOCUMENT

Forward

Back

Best Sections

Doc Contents

GO TO

New Bills Search

HomePage

Help

GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to the Bill Summary & Status file.	Full Display - 10,449 bytes. [Help]
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To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening...
(Introduced in the Senate)

S 662 IS1S

(Star Print)

106th CONGRESS

1st Session

S. 662

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

IN THE SENATE OF THE UNITED STATES

March 18, 1999

Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, Mr. KERREY, Mr. COLLINS, Mr. CONRAD, Mr. BAYH, Mr. INOUE, Mr. TORRICELLI, Mr. REED, and Mr. DODD) 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 provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP-

(1) IN GENERAL- Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended--

(A) in subclause (XIII), by striking 'or' at the end;

(B) in subclause (XIV), by adding 'or' at the end; and

(C) by adding at the end the following:

'(XV) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);'.

(2) GROUP DESCRIBED- Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

'(aa) Individuals described in this paragraph are individuals who--

'(1) are not described in subsection (a)(10)(A)(i);

'(2) have not attained age 65;

'(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

'(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).'.

(3) LIMITATION ON BENEFITS- Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)--

(A) by striking 'and (XIII)' and inserting '(XIII)'; and

(B) by inserting ', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(ii)(XV) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer' before the semicolon.

(4) CONFORMING AMENDMENTS- Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)--

(A) in clause (x), by striking ‘or’ at the end;

(B) in clause (xi), by adding ‘or’ at the end; and

(C) by inserting after clause (xi) the following:

‘(xii) individuals described in section 1902(aa),’.

(b) PRESUMPTIVE ELIGIBILITY-

(1) IN GENERAL- Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

‘PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

‘SEC. 1920B. (a) STATE OPTION- A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

‘(b) DEFINITIONS- For purposes of this section:

‘(1) PRESUMPTIVE ELIGIBILITY PERIOD- The term ‘presumptive eligibility period’ means, with respect to an individual described in subsection (a), the period that--

‘(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

‘(B) ends with (and includes) the earlier of--

‘(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

‘(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

‘(2) QUALIFIED ENTITY-

‘(A) IN GENERAL- Subject to subparagraph (B), the term ‘qualified entity’ means any entity that--

‘(i) is eligible for payments under a State plan approved under this title; and

‘(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

‘(B) REGULATIONS- The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for

other reasons.

‘(C) RULE OF CONSTRUCTION- Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

‘(c) ADMINISTRATION-

‘(1) IN GENERAL- The State agency shall provide qualified entities with--

‘(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

‘(B) information on how to assist such individuals in completing and filing such forms.

‘(2) NOTIFICATION REQUIREMENTS- A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall--

‘(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

‘(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

‘(3) APPLICATION FOR MEDICAL ASSISTANCE- In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

‘(d) PAYMENT- Notwithstanding any other provision of this title, medical assistance that--

‘(1) is furnished to an individual described in subsection (a)--

‘(A) during a presumptive eligibility period;

‘(B) by a entity that is eligible for payments under the State plan; and

‘(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).’.

(2) CONFORMING AMENDMENTS-

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ‘and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section’.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended--

- (i) by striking ‘or for’ and inserting ‘, for’; and
- (ii) by inserting before the period the following: ‘, or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section’.

(c) ENHANCED MATCH- Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended--

- (1) by striking ‘an’ and inserting ‘(A) an’;
- (2) by adding ‘plus’ after the semicolon; and
- (3) by adding at the end the following:

‘(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of medical assistance to an individual described in section 1902(aa); plus’.

(d) EFFECTIVE DATE- The amendments made by this section apply to medical assistance furnished on or after October 1, 1999, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	
