

105TH CONGRESS
1ST SESSION

H. R. 1564

To amend title XIX of the Social Security Act to permit presumptive eligibility for low-income children under the Medicaid Program.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1997

Ms. DEGETTE (for herself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to permit presumptive eligibility for low-income children 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 “Medicaid Low-Income
5 Children Presumptive Eligibility Amendments of 1997”.

1 **SEC. 2. MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-IN-**
2 **COME CHILDREN.**

3 (a) IN GENERAL.—Title XIX of the Social Security
4 Act is amended by inserting after section 1920 the follow-
5 ing new section:

6 “PRESUMPTIVE ELIGIBILITY FOR CHILDREN

7 “SEC. 1920A. (a) A State plan approved under sec-
8 tion 1902 may provide for making medical assistance with
9 respect to health care items and services covered under
10 the State plan available to a child during a presumptive
11 eligibility period.

12 “(b) For purposes of this section:

13 “(1) The term ‘child’ means an individual
14 under 19 years of age.

15 “(2) The term ‘presumptive eligibility period’
16 means, with respect to a child, the period that—

17 “(A) begins with the date on which a
18 qualified entity determines, on the basis of pre-
19 liminary information, that the family income of
20 the child does not exceed the applicable income
21 level of eligibility under the State plan, and

22 “(B) ends with (and includes) the earlier
23 of—

24 “(i) the day on which a determination
25 is made with respect to the eligibility of

1 the child for medical assistance under the
2 State plan, or

3 “(ii) in the case of a child on whose
4 behalf an application is not filed by the
5 last day of the month following the month
6 during which the entity makes the deter-
7 mination referred to in subparagraph (A),
8 such last day.

9 “(3)(A) Subject to subparagraph (B), the term
10 ‘qualified entity’ means any entity that—

11 “(i)(I) is eligible for payments under a
12 State plan approved under this title and pro-
13 vides items and services described in subsection
14 (a) or (II) is authorized to determine eligibility
15 of a child to participate in a Head Start pro-
16 gram under the Head Start Act (42 U.S.C.
17 9821 et seq.), eligibility of a child to receive
18 child care services for which financial assistance
19 is provided under the Child Care and Develop-
20 ment Block Grant Act of 1990 (42 U.S.C. 9858
21 et seq.), eligibility of an infant or child to re-
22 ceive assistance under the special supplemental
23 nutrition program for women, infants, and chil-
24 dren (WIC) under section 17 of the Child Nu-
25 trition Act of 1966 (42 U.S.C. 1786); and

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

4 “(B) The Secretary may issue regulations fur-
5 ther limiting those entities that may become quali-
6 fied entities in order to prevent fraud and abuse and
7 for other reasons.

8 “(C) Nothing in this section shall be construed
9 as preventing a State from limiting the classes of en-
10 tities that may become qualified entities, consistent
11 with any limitations imposed under subparagraph
12 (B).

13 “(c)(1) The State agency shall provide qualified enti-
14 ties with—

15 “(A) such forms as are necessary for an appli-
16 cation to be made on behalf of a child for medical
17 assistance under the State plan, and

18 “(B) information on how to assist parents,
19 guardians, and other persons in completing and fil-
20 ing such forms.

21 “(2) A qualified entity that determines under sub-
22 section (b)(1)(A) that a child is presumptively eligible for
23 medical assistance under a State plan shall—

1 “(A) notify the State agency of the determina-
2 tion within 5 working days after the date on which
3 determination is made, and

4 “(B) inform the parent or custodian of the
5 child at the time the determination is made that an
6 application for medical assistance under the State
7 plan is required to be made by not later than the
8 last day of the month following the month during
9 which the determination is made.

10 “(3) In the case of a child who is determined by a
11 qualified entity to be presumptively eligible for medical as-
12 sistance under a State plan, the parent, guardian, or other
13 person shall make application on behalf of the child for
14 medical assistance under such plan by not later than the
15 last day of the month following the month during which
16 the determination is made, which application may be the
17 application used for the receipt of medical assistance by
18 individuals described in section 1902(l)(1).

19 “(d) Notwithstanding any other provision of this title,
20 medical assistance for items and services described in sub-
21 section (a) that—

22 “(1) are furnished to a child—

23 “(A) during a presumptive eligibility pe-
24 riod,

1 “(B) by a entity that is eligible for pay-
2 ments under the State plan; and
3 “(2) are included in the care and services cov-
4 ered by a State plan;
5 shall be treated as medical assistance provided by such
6 plan for purposes of section 1903.”.

7 (b) CONFORMING AMENDMENTS.—(1) Section
8 1902(a)(47) of such Act (42 U.S.C. 1396a(a)(47)) is
9 amended by inserting before the semicolon at the end the
10 following: “and provide for making medical assistance for
11 items and services described in subsection (a) of section
12 1920A available to children during a presumptive eligi-
13 bility period in accordance with such section”.

14 (2) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C.
15 1396b(u)(1)(D)(v)) is amended by inserting before the pe-
16 riod at the end the following: “or for items and services
17 described in subsection (a) of section 1920A provided to
18 a child during a presumptive eligibility period under such
19 section”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of the enactment
22 of this Act.

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