

105TH CONGRESS
1ST SESSION

H. R. 358

To amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. TOWNS introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants 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 Infant Mor-

5 tality Amendments of 1997”.

1 **SEC. 2. PHASED-IN COVERAGE OF PREGNANT WOMEN AND**
2 **INFANTS UP TO 185 PERCENT OF POVERTY**
3 **LEVEL.**

4 (a) IN GENERAL.—Section 1902(l)(2)(A) of the So-
5 cial Security Act (42 U.S.C. 1396a(l)(2)(A)) is amend-
6 ed—

7 (1) in clause (ii)—

8 (A) in subclause (I), by striking “and” at
9 the end,

10 (B) by striking the period at the end of
11 subclause (II) and inserting a comma, and

12 (C) by adding at the end the following new
13 subclauses:

14 “(III) July 1, 1998, 150 percent, or, if greater,
15 the percentage provided under clause (v), and

16 “(IV) July 1, 1999, 185 percent.”; and

17 (2) by adding at the end the following new
18 clause:

19 “(v) In the case of a State which, as of the date of
20 the enactment of this clause, has established under clause
21 (i), or has enacted legislation authorizing, or appropriat-
22 ing funds, to provide for, a percentage (of the income offi-
23 cial poverty line) that is greater than 150 percent, the per-
24 centage provided under clause (ii) for medical assistance
25 on or after July 1, 1998, shall not be less than—

1 “(I) the percentage specified by the State in an
2 amendment to its State plan (whether approved or
3 not) as of the date of the enactment of this clause,
4 or

5 “(II) if no such percentage is specified as of the
6 date of the enactment of this clause, the percentage
7 established under the State’s authorized legislation
8 or provided for under the State’s appropriations.”.

9 (b) FLEXIBILITY IN INCOME METHODOLOGY AND
10 DEDUCTION OF CHILD CARE IN COMPUTATION OF IN-
11 COME.—Section 1902(l)(3)(E) of such Act (42 U.S.C.
12 1396a(l)(3)(E)) is amended by striking “(E)” and insert-
13 ing the following:

14 “(E)(i) with respect to an individual described
15 in subparagraph (A) or (B) of paragraph (1), family
16 income shall be determined in accordance with a
17 methodology which is no more restrictive than the
18 methodology employed under the State plan under
19 part A or E of title IV (except to the extent such
20 methodology is inconsistent with clause (D) of sub-
21 section (a)(17) and except that there shall be dis-
22 regarded costs for such child care as is necessary for
23 the employment of the pregnant woman or the care-
24 taker of the infant), and costs incurred for medical

1 care or for any other type of remedial care shall not
2 be taken into account, and

3 “(ii) with respect to an individual described in
4 paragraph (1)(C) or (1)(D),”.

5 (c) PROHIBITING APPLICATION OF RESOURCE
6 TEST.—Section 1902(l)(3) of such Act (42 U.S.C.
7 1396a(l)(3)) is amended—

8 (1) by amending subparagraph (A) to read as
9 follows:

10 “(A)(i) no resource standard or methodology
11 shall be applied to individuals who are eligible for
12 medical assistance because of subsection
13 (a)(10)(A)(i)(IV), and (ii) application of a resource
14 standard or methodology for individuals who are eli-
15 gible for medical assistance because of subsection
16 (a)(10)(A)(i)(VI) or (a)(10)(A)(ii)(IX) shall be at
17 the option of the State, but any such resource stand-
18 ard or methodology may not be more restrictive than
19 the corresponding standard or methodology that is
20 applied under the State plan under part A of title
21 IV;”,

22 (2) by striking subparagraphs (B) and (C), and

23 (3) by redesignating subparagraphs (D) and
24 (E) as subparagraphs (B) and (C), respectively.

25 (d) EFFECTIVE DATES.—

1 (1) HIGHER INCOME STANDARDS.—Except as
2 provided in paragraph (3), the amendments made by
3 subsection (a) shall apply to payments under title
4 XIX of the Social Security Act for calendar quarters
5 beginning on or after July 1, 1998, with respect to
6 eligibility for medical assistance on or after such
7 date, without regard to whether or not final regula-
8 tions to carry out such amendments have been pro-
9 mulgated by such date.

10 (2) INCOME METHODOLOGY AND RESOURCE
11 STANDARD.—Except as provided in paragraph (3),
12 the amendments made by subsections (b) and (c)
13 shall apply to payments under title XIX of the So-
14 cial Security Act for calendar quarters beginning on
15 or after July 1, 1998, with respect to eligibility for
16 medical assistance on or after such date, without re-
17 gard to whether or not final regulations to carry out
18 such amendments have been promulgated by such
19 date.

20 (3) EXCEPTION FOR CERTAIN STATES.—In the
21 case of a State plan for medical assistance under
22 title XIX of the Social Security Act which the Sec-
23 retary of Health and Human Services determines re-
24 quires State legislation (other than legislation au-
25 thorizing or appropriating funds) in order for the

1 plan to meet the additional requirements imposed by
 2 the amendments made by this section, the State
 3 plan shall not be regarded as failing to comply with
 4 the requirements of such title solely on the basis of
 5 its failure to meet these additional requirements be-
 6 fore the first day of the first calendar quarter begin-
 7 ning after the close of the first regular session of the
 8 State legislature that begins after the date of the en-
 9 actment of this Act. For purposes of the previous
 10 sentence, in the case of a State that has a 2-year
 11 legislative session, each year of such session shall be
 12 deemed to be a separate regular session of the State
 13 legislature.

14 **SEC. 3. OPTIONAL COVERAGE OF PRENATAL AND POST**
 15 **PARTUM HOME VISITATION SERVICES.**

16 (a) IN GENERAL.—Section 1905(a) of the Social Se-
 17 curity Act (42 U.S.C. 1396d(a)) is amended—

18 (1) by striking “and” at the end of paragraph

19 (24),

20 (2) by redesignating paragraph (25) as para-
 21 graph (26), and

22 (3) by inserting after paragraph (24) the fol-
 23 lowing new paragraph:

24 “(25) prenatal home visitation services for high-
 25 risk pregnant women, post partum home visitation

1 services with respect to high-risk infants under 1
2 year of age, or both (as specified by the State), as
3 prescribed by a physician; and”

4 (b) CONFORMING AMENDMENTS.—Section 1902 of
5 such Act (42 U.S.C. 1396a) is amended—

6 (1) in subsection (a)(10)(C)(iv), by striking
7 “(24)” and inserting “(25)”, and

8 (2) in subsection (j), by striking “(25)” and in-
9 serting “(26)”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to services furnished on or after
12 July 1, 1998, without regard to whether or not final regu-
13 lations to carry out such amendments have been promul-
14 gated by such date.

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