

# Union Calendar No. 353

106<sup>TH</sup> CONGRESS  
2D SESSION

# H. R. 1070

**[Report No. 106–486, Part I]**

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.

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## 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

NOVEMBER 22, 1999

Reported with amendments and referred to the Committee on Ways and Means for a period ending not later than February 29, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 29, 2000

Referral to the Committee on Ways and Means extended for a period ending  
not later than March 2, 2000

MARCH 2, 2000

Referral to the Committee on Ways and Means extended for a period ending  
not later than May 26, 2000

MAY 26, 2000

Additional sponsors: Mr. WEXLER, Mr. ALLEN, Mr. GREEN of Texas, Mr. CUMMINGS, Mrs. THURMAN, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mrs. MCCARTHY of New York, Mr. CLAY, Mr. GARY MILLER of California, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. COOK, Mr. GIBBONS, Mr. MENENDEZ, Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Mr. DAVIS of Florida, Mr. FARR of California, Mr. DIAZ-BALART, Ms. DEGETTE, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. NORTON, Ms. SANCHEZ, Mr. WEINER, Mr. GONZALEZ, Mr. SANDLIN, Mr. MARTINEZ, Mr. BASS, Mr. CAPUANO, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. PHELPS, Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Ms. DELAURO, Mr. BISHOP, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mrs. FOWLER, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. TIERNEY, Mr. BENTSEN, Mr. WHITFIELD, Mr. WOLF, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. MCKINNEY, Mr. CONDIT, Ms. RIVERS, Ms. WATERS, Ms. KILPATRICK, Mr. PETERSON of Pennsylvania, Mr. MOAKLEY, Mr. LARSON, Mr. GOODLING, Mr. HYDE, Mr. BRADY of Pennsylvania, Mr. TOWNS, Mr. POMEROY, Mr. ROEMER, Mr. EDWARDS, Mr. SKELTON, Ms. BALDWIN, Ms. DANNER, Mr. BAKER, Mr. UPTON, Mr. METCALF, Mr. BARTON of Texas, Mr. PASTOR, Mr. CASTLE, Mrs. BONO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. PALLONE, Mr. KLINK, Mr. STUPAK, Mr. SNYDER, Mr. BOSWELL, Mr. BECERRA, Mr. VENTO, Ms. PRYCE of Ohio, Mr. WATTS of Oklahoma, Mr. LAHOOD, Mr. HOUGHTON, Mrs. ROUKEMA, Mr. BILIRAKIS, Mr. BAIRD, Mr. MURTHA, Mrs. BIGGERT, Mr. CAMP, Mr. RAMSTAD, Mr. BERRY, Mr. MARKEY, Mr. KUYKENDALL, Mr. RODRIGUEZ, Mr. PASCRELL, Mr. ACKERMAN, Mr. BROWN of California, Ms. VELAZQUEZ, Mr. BURR of North Carolina, Mr. ENGEL, Mr. BOUCHER, Mr. THOMPSON of California, Mr. DEUTSCH, Mr. GORDON, Mr. SAWYER, Ms. ROYBAL-ALLARD, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. BARCIA, Mr. HALL of Texas, Mr. COSTELLO, Mr. GUTIERREZ, Mr. HILLIARD, Mr. HOFFEL, Mrs. JONES of Ohio, Mr. BONIOR, Mr. EHRLICH, Ms. BROWN of Florida, Ms. STABENOW, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. GILCHREST, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. RAHALL, Mr. FORD, Mr. GEJDENSON, Ms. HOOLEY of Oregon, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. SWEENEY, Mr. OSE, Mr. LUCAS of Kentucky, Mr. PORTMAN, Ms. DUNN, Mr. UDALL of New Mexico, Mr. BLUMENAUER, Mr. LAFALCE, Mr. MORAN of Virginia, Mr. NORWOOD, Mr. PICKERING, Mr. BORSKI, Mr. CLYBURN, Mr. MINGE, Mr. WATT of North Carolina, Mr. SMITH of Washington, Mr. GILLMOR, Mr. NUSSLE, Mr. LIPINSKI, Mr. DEAL of

Georgia, Mr. UDALL of Colorado, Mr. WICKER, Mr. CUNNINGHAM, Mr. SALMON, Mr. ANDREWS, Mr. CARDIN, Mr. DICKS, Mr. SHAW, Mr. LAMPSON, Mr. BONILLA, Mr. BARRETT of Nebraska, Mr. SIMPSON, Mr. JENKINS, Mr. COOKSEY, Mr. HEFLEY, Mr. ENGLISH, Mr. SAXTON, Mr. PETRI, Mr. GANSKE, Mr. BACHUS, Mr. HASTINGS of Florida, Mr. FRANKS of New Jersey, Mr. WELLER, Mr. WU, Mr. BARTLETT of Maryland, Mr. TALENT, Mr. SHADEGG, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. KOLBE, Mr. VITTER, Mr. KILDEE, Mr. TERRY, Mr. BEREUTER, Mr. CONYERS, Mr. COBURN, Mr. TANCREDO, Mr. EVANS, Mr. FLETCHER, Mr. DOYLE, Mr. LEVIN, Mr. HALL of Ohio, Mr. RILEY, Mr. PORTER, Mr. HOLDEN, Mr. GOODE, Mr. CRAMER, Mr. SCOTT, Mr. TRAFICANT, Mr. PICKETT, Mr. TURNER, Mr. STENHOLM, Mr. SCHAFFER, Mr. ISAKSON, Mr. TANNER, Mr. VISCLOSKEY, Mr. REYES, Mr. EWING, Mr. HOLT, Mr. SISISKY, Mr. MOORE, Mr. DOOLEY of California, Mr. ORTIZ, Mr. GREEN of Wisconsin, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. McCRERY, Mr. HILLEARY, Mr. PACKARD, Mr. REYNOLDS, Mr. MOLLOHAN, Mr. BACA, Mr. BOYD, Mr. RYAN of Wisconsin, Mr. GUTKNECHT, Mr. WAMP, Mr. LATHAM, Mr. PETERSON of Minnesota, Mr. MANZULLO, Mr. McINNIS, and Mr. PEASE

MAY 26, 2000

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 11, 1999]

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## 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.

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 “Breast and Cervical*  
 5 *Cancer Prevention and Treatment Act of 1999”.*

1 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN**  
 2 **BREAST OR CERVICAL CANCER PATIENTS.**

3 (a) *COVERAGE AS OPTIONAL CATEGORICALLY NEEDY*  
 4 *GROUP.*—

5 (1) *IN GENERAL.*—Section 1902(a)(10)(A)(ii) of  
 6 the Social Security Act (42 U.S.C.  
 7 1396a(a)(10)(A)(ii)) is amended—

8 (A) in subclause (XIII), by striking “or” at  
 9 the end;

10 (B) in subclause (XIV), by adding “or” at  
 11 the end; and

12 (C) by adding at the end the following:

13 “(XV) who are described in sub-  
 14 section (aa) (relating to certain breast  
 15 or cervical cancer patients);”.

16 (2) *GROUP DESCRIBED.*—Section 1902 of the So-  
 17 cial Security Act (42 U.S.C. 1396a) is amended by  
 18 adding at the end the following:

19 “(aa) Individuals described in this paragraph are in-  
 20 dividuals who—

21 “(1) are not described in subsection  
 22 (a)(10)(A)(i);

23 “(2) have not attained age 65;

24 “(3) have been screened for breast and cervical  
 25 cancer under the Centers for Disease Control and Pre-  
 26 vention breast and cervical cancer early detection

1     *program established under title XV of the Public*  
 2     *Health Service Act (42 U.S.C. 300k et seq.) in accord-*  
 3     *ance with the requirements of section 1504 of that Act*  
 4     *(42 U.S.C. 300n) and need treatment for breast or*  
 5     *cervical cancer; and*

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

9             (3)     *LIMITATION     ON     BENEFITS.—Section*  
 10     *1902(a)(10) of the Social Security Act (42 U.S.C.*  
 11     *1396a(a)(10)) is amended in the matter following*  
 12     *subparagraph (F)—*

13                 (A) *by striking “and (XIII)” and inserting*

14                 *“(XIII)”;* *and*

15                 (B) *by inserting “, and (XIV) the medical*  
 16     *assistance made available to an individual de-*  
 17     *scribed in subsection (aa) who is eligible for*  
 18     *medical assistance only because of subparagraph*  
 19     *(A)(10)(ii)(XV) shall be limited to medical as-*  
 20     *sistance provided during the period in which*  
 21     *such an individual requires treatment for breast*  
 22     *or cervical cancer” before the semicolon.*

23             (4)     *CONFORMING     AMENDMENTS.—Section*  
 24     *1905(a) of the Social Security Act (42 U.S.C.*

1       1396d(a)) is amended in the matter preceding para-  
 2       graph (1)—

3               (A) in clause (x), by striking “or” at the  
 4       end;

5               (B) in clause (xi), by adding “or” at the  
 6       end; and

7               (C) by inserting after clause (xi) the fol-  
 8       lowing:

9               “(xii) individuals described in section  
 10       1902(aa),”.

11       (b) *PRESUMPTIVE ELIGIBILITY.*—

12               (1) *IN GENERAL.*—*Title XIX of the Social Secu-*  
 13       *urity Act (42 U.S.C. 1396 et seq.) is amended by in-*  
 14       *serting after section 1920A the following:*

15       “*PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR*  
 16       *CERVICAL CANCER PATIENTS*

17       “*SEC. 1920B. (a) STATE OPTION.*—*A State plan ap-*  
 18       *proved under section 1902 may provide for making medical*  
 19       *assistance available to an individual described in section*  
 20       *1902(aa) (relating to certain breast or cervical cancer pa-*  
 21       *tients) during a presumptive eligibility period.*

22       “(b) *DEFINITIONS.*—*For purposes of this section:*

23               “(1) *PRESUMPTIVE ELIGIBILITY PERIOD.*—*The*  
 24       *term ‘presumptive eligibility period’ means, with re-*  
 25       *spect to an individual described in subsection (a), the*  
 26       *period that—*

1           “(A) begins with the date on which a quali-  
 2           fied entity determines, on the basis of prelimi-  
 3           nary information, that the individual is de-  
 4           scribed in section 1902(aa); and

5           “(B) ends with (and includes) the earlier  
 6           of—

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

11                  “(ii) in the case of such an individual  
 12                  who does not file an application by the last  
 13                  day of the month following the month dur-  
 14                  ing which the entity makes the determina-  
 15                  tion referred to in subparagraph (A), such  
 16                  last day.

17           “(2) QUALIFIED ENTITY.—

18                   “(A) IN GENERAL.—Subject to subpara-  
 19                   graph (B), the term ‘qualified entity’ means any  
 20                   entity that—

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

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

1           “(B) *REGULATIONS.*—*The Secretary may*  
 2           *issue regulations further limiting those entities*  
 3           *that may become qualified entities in order to*  
 4           *prevent fraud and abuse and for other reasons.*

5           “(C) *RULE OF CONSTRUCTION.*—*Nothing in*  
 6           *this paragraph shall be construed as preventing*  
 7           *a State from limiting the classes of entities that*  
 8           *may become qualified entities, consistent with*  
 9           *any limitations imposed under subparagraph*  
 10          *(B).*

11          “(c) *ADMINISTRATION.*—

12           “(1) *IN GENERAL.*—*The State agency shall pro-*  
 13          *vide qualified entities with—*

14           “(A) *such forms as are necessary for an ap-*  
 15          *plication to be made by an individual described*  
 16          *in subsection (a) for medical assistance under*  
 17          *the State plan; and*

18           “(B) *information on how to assist such in-*  
 19          *dividuals in completing and filing such forms.*

20           “(2) *NOTIFICATION REQUIREMENTS.*—*A quali-*  
 21          *fied entity that determines under subsection (b)(1)(A)*  
 22          *that an individual described in subsection (a) is pre-*  
 23          *sumptively eligible for medical assistance under a*  
 24          *State plan shall—*



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

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

10          “(3) APPLICATION FOR MEDICAL ASSISTANCE.—  
11          In the case of an individual described in subsection  
12          (a) who is determined by a qualified entity to be pre-  
13          sumptively eligible for medical assistance under a  
14          State plan, the individual shall apply for medical as-  
15          sistance under such plan by not later than the last  
16          day of the month following the month during which  
17          the determination is made.

18          “(d) PAYMENT.—Notwithstanding any other provision  
19          of this title, medical assistance that—

20                 “(1) is furnished to an individual described in  
21                 subsection (a)—

22                         “(A) during a presumptive eligibility pe-  
23                         riod;

24                         “(B) by a entity that is eligible for pay-  
25                         ments under the State plan; and

1           “(2) is included in the care and services covered  
 2       by the State plan;  
 3 shall be treated as medical assistance provided by such plan  
 4 for purposes of section 1903.”.

5           (2) CONFORMING AMENDMENTS.—

6           (A) Section 1902(a)(47) of the Social Secu-  
 7       rity Act (42 U.S.C. 1396a(a)(47)) is amended by  
 8       inserting before the semicolon at the end the fol-  
 9       lowing: “and provide for making medical assist-  
 10      ance available to individuals described in sub-  
 11      section (a) of section 1920B during a presump-  
 12      tive eligibility period in accordance with such  
 13      section”.

14          (B) Section 1903(u)(1)(D)(v) of such Act  
 15       (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

16           (i) by striking “or for” and inserting  
 17       “; for”; and

18           (ii) by inserting before the period the  
 19       following: “; or for medical assistance pro-  
 20       vided to an individual described in sub-  
 21       section (a) of section 1920B during a pre-  
 22       sumptive eligibility period under such sec-  
 23       tion”.

1       (c) *ENHANCED MATCH.*—*The first sentence of section*  
 2 *1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is*  
 3 *amended—*

4           (1) *by striking “,, (2)” and inserting “, (2)”;*

5           (2) *by striking “and” before “(3)”;* and

6           (3) *by inserting before the period at the end the*  
 7 *following: “, and (4) in the case of a State for which*  
 8 *the Federal medical assistance percentage is otherwise*  
 9 *less than 75 percent, it shall be equal to 75 percent*  
 10 *with respect to medical assistance provided to indi-*  
 11 *viduals who are eligible for such assistance only on*  
 12 *the basis of section 1902(a)(10)(A)(ii)(XV)”.*

13       (d) *EFFECTIVE DATE.*—*The amendments made by this*  
 14 *section apply to medical assistance for items and services*  
 15 *furnished on or after October 1, 2000, without regard to*  
 16 *whether final regulations to carry out such amendments*  
 17 *have been promulgated by such date.*

18   **SEC. 3. HUMAN PAPILLOMAVIRUS; ACTIVITIES OF CENTERS**  
 19                           **FOR DISEASE CONTROL AND PREVENTION.**

20       *Part B of title III of the Public Health Service Act*  
 21 *(42 U.S.C. 243 et seq.) is amended by inserting after section*  
 22 *317G the following section:*

23                           “HUMAN PAPILLOMAVIRUS

24       “SEC. 317H. (a) *SURVEILLANCE.*—

1           “(1) *IN GENERAL.*—*The Secretary, acting*  
2           *through the Director of the Centers for Disease Con-*  
3           *trol and Prevention, shall—*

4                   “(A) *enter into cooperative agreements with*  
5                   *States and other entities to conduct sentinel sur-*  
6                   *veillance or other special studies that would de-*  
7                   *termine the prevalence in various age groups*  
8                   *and populations of specific types of human*  
9                   *papillomavirus (referred to in this section as*  
10                  *‘HPV’) in different sites in various regions of the*  
11                  *United States, through collection of special speci-*  
12                  *mens for HPV using a variety of laboratory-*  
13                  *based testing and diagnostic tools; and*

14                  “(B) *develop and analyze data from the*  
15                  *HPV sentinel surveillance system described in*  
16                  *subparagraph (A).*

17           “(2) *REPORT.*—*The Secretary shall make a*  
18           *progress report to the Congress with respect to para-*  
19           *graph (1) not later than one year after the effective*  
20           *date of this section.*

21           “(b) *PREVENTION ACTIVITIES; EDUCATION PRO-*  
22           *GRAM.*—

23           “(1) *IN GENERAL.*—*The Secretary, acting*  
24           *through the Director of the Centers for Disease Con-*

1        *trol and Prevention, shall conduct prevention research*  
2        *on HPV, including—*

3                *“(A) behavioral and other research on the*  
4                *impact of HPV-related diagnoses on individuals;*

5                *“(B) formative research to assist with the*  
6                *development of educational messages and infor-*  
7                *mation for the public, for patients, and for their*  
8                *partners about HPV;*

9                *“(C) surveys of physician and public knowl-*  
10               *edge, attitudes, and practices about genital HPV*  
11               *infection; and*

12               *“(D) upon the completion of and based on*  
13               *the findings under subparagraphs (A) through*  
14               *(C), develop and disseminate educational mate-*  
15               *rials for the public and health care providers re-*  
16               *garding HPV and its impact and prevention.*

17               *“(2) REPORT; FINAL PROPOSAL.—The Secretary*  
18               *shall make a progress report to the Congress with re-*  
19               *spect to paragraph (1) not later than one year after*  
20               *the effective date of this section, and shall develop a*  
21               *final proposal not later than two years after such ef-*  
22               *fective date, including a detailed summary of the sig-*  
23               *nificant findings and problems. The report shall out-*  
24               *line the further steps needed to make HPV a report-*

1        *able disease and the best strategies to prevent future*  
 2        *infections.*

3        “(c) *CONDOM EFFECTIVENESS; EDUCATION.—The Sec-*  
 4        *retary shall require that the Department of Health and*  
 5        *Human Services and all contractors, grantees, and sub-*  
 6        *grantees of such Department specifically state the effective-*  
 7        *ness or lack of effectiveness of condoms in preventing the*  
 8        *transmission of HPV, herpes, and other sexually trans-*  
 9        *mitted diseases in all informational materials related to*  
 10       *condoms or sexually transmitted diseases that are made*  
 11       *available to the public. The Secretary shall assure that such*  
 12       *information is made available to relevant operating divi-*  
 13       *sions and offices of the Department of Health and Human*  
 14       *Services. This subsection shall be effective within 6 months*  
 15       *of the date of its enactment.”.*

16       **SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN**  
 17       **PAPILLOMAVIRUS.**

18       (a) *IN GENERAL.—Section 502 of the Federal Food,*  
 19       *Drug, and Cosmetic Act (21 U.S.C. 352) is amended by*  
 20       *adding at the end the following:*

21       “(u) *If it is a condom, unless its label and labeling*  
 22       *bear information providing that condoms do not effectively*  
 23       *prevent the transmission of the human papillomavirus and*  
 24       *that such virus can cause cervical cancer.”.*

1       (b) *APPLICABILITY.*—*The amendment made by sub-*  
 2 *section (a) applies to condoms manufactured on or after*  
 3 *the expiration of the 180-day period beginning on the date*  
 4 *of the enactment of this Act.*

5       **SEC. 5. MENTAL HEALTH PARTIAL HOSPITALIZATION SERV-**  
 6                               **ICES.**

7       (a) *LIMITATION ON LOCATION OF PROVISION OF SERV-*  
 8 *ICES.*—

9               (1) *IN GENERAL.*—*Section 1861(ff)(2) of the So-*  
 10 *cial Security Act (42 U.S.C. 1395x(ff)(2)) is amended*  
 11 *in the matter following subparagraph (I)—*

12                       (A) *by striking “and furnished” and insert-*  
 13 *ing “furnished”; and*

14                       (B) *by inserting before the period the fol-*  
 15 *lowing: “, and furnished other than in a skilled*  
 16 *nursing facility, residential treatment facility or*  
 17 *other residential setting (as determined by the*  
 18 *Secretary)”.*

19       (2) *EFFECTIVE DATE.*—*The amendments made*  
 20 *by paragraph (1) apply with respect to partial hos-*  
 21 *pitalization services furnished on or after the first*  
 22 *day of the third month beginning after the date of the*  
 23 *enactment of this Act.*

24       (b) *QUALIFICATIONS FOR COMMUNITY MENTAL*  
 25 *HEALTH CENTERS.*—

1           (1) *IN GENERAL.*—Section 1861(ff)(3)(B) of such  
 2   Act (42 U.S.C. 1395x(ff)(3)(B)) is amended by strik-  
 3   ing “entity” and all that follows and inserting the  
 4   following: “entity that—

5           “(i)(I) provides the mental health services de-  
 6   scribed in section 1913(c)(1) of the Public Health  
 7   Service Act; or

8           “(II) in the case of an entity operating in a  
 9   State that by law precludes the entity from providing  
 10   a service described in such section itself, provides for  
 11   such service by contract with an approved organiza-  
 12   tion or entity (as determined by the Secretary);

13           “(ii) meets applicable licensing or certification  
 14   requirements for community mental health centers in  
 15   the State in which it is located; and

16           “(iii) meets such additional conditions as the  
 17   Secretary shall specify to ensure (I) the health and  
 18   safety of individuals being furnished such services,  
 19   (II) the effective and efficient furnishing of such serv-  
 20   ices, and (III) the compliance of such entity with the  
 21   criteria described in such section.”.

22           (2) *CLARIFICATION OF CRITERIA FOR COMMU-*  
 23   *NITY MENTAL HEALTH CENTERS.*—Section  
 24   1913(c)(1)(E) of the Public Health Service Act (42



1       *U.S.C. 300x-3(c)(1)(E)) is amended to read as fol-*  
 2       *lows:*

3               *“(E) Determining the clinical appropriate-*  
 4               *ness of admissions to inpatient psychiatric hos-*  
 5               *pitals by engaging a full-time mental health pro-*  
 6               *fessional who is licensed or certified to make such*  
 7               *a determination by the State involved.”.*

8               *(3) EFFECTIVE DATE.—The amendments made*  
 9       *by this subsection apply with respect to community*  
 10       *mental health centers furnishing services under the*  
 11       *medicare program on or after the first day of the*  
 12       *third month beginning after the date of the enactment*  
 13       *of this Act.*

14       *(c) REFINEMENT OF PERIODICITY OF REVIEW OF*  
 15       *PLAN FOR PARTIAL HOSPITALIZATION SERVICES.—*

16               *(1) IN GENERAL.—Section 1835(a)(2)(F)(ii) of*  
 17       *the Social Security Act (42 U.S.C.*  
 18       *1395n(a)(2)(F)(ii)) is amended by inserting “at a*  
 19       *reasonable rate (as determined by the Secretary)”*  
 20       *after “is reviewed periodically”.*

21               *(2) EFFECTIVE DATE.—The amendment made by*  
 22       *paragraph (1) applies with respect to plans of care*  
 23       *for furnishing partial hospitalization services estab-*  
 24       *lished on or after the first day of the third month be-*  
 25       *ginning after the date of the enactment of this Act.*

1       (d) *RECERTIFICATION OF PROVIDERS OF PARTIAL*  
2 *HOSPITALIZATION SERVICES.*—

3           (1) *IN GENERAL.*—*With respect to each commu-*  
4 *nity mental health center that furnishes partial hos-*  
5 *pitalization services for which payment is made*  
6 *under title XVIII of the Social Security Act, the Sec-*  
7 *retary of Health and Human Services shall provide*  
8 *for periodic recertification to ensure that the provi-*  
9 *sion of such services complies with applicable require-*  
10 *ments of such title.*

11          (2) *DEADLINE FOR FIRST RECERTIFICATION.*—  
12 *The first recertification under subsection (a) shall be*  
13 *completed not later than one year after the date of the*  
14 *enactment of this Act.*

15       (e) *GUIDELINES FOR ITEMS AND SERVICES COM-*  
16 *PRISING PARTIAL HOSPITALIZATION SERVICES.*—*Not later*  
17 *than one year after the date of the enactment of this Act,*  
18 *the Secretary shall promulgate regulations using a nego-*  
19 *tiated rulemaking process under subchapter III of chapter*  
20 *5 of title 5, United States Code, for national coverage poli-*  
21 *cies for partial hospitalization services furnished under title*  
22 *XVIII of the Social Security Act, including for periodicity*  
23 *of review under section 503 of this title.*

1 **SEC. 6. SENSE OF COMMITTEE ON COMMERCE TO FULLY**  
2 **PAY FOR ADDITIONAL EXPENDITURES BE-**  
3 **FORE PASSAGE BY THE HOUSE OF REP-**  
4 **RESENTATIVES.**

5 *It is the sense of the Committee on Commerce of the*  
6 *House of Representatives that the additional net expendi-*  
7 *tures resulting from the enactment of this bill, as reported*  
8 *by the Committee, should be fully offset in an appropriate*  
9 *manner before the bill is passed by the House of*  
10 *Representatives.*

Amend the title so as to read: “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, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.”.

**Union Calendar No. 353**

106TH CONGRESS  
2D SESSION

**H. R. 1070**

**[Report No. 106–486, Part I]**

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**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.

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MAY 26, 2000

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed