

Calendar No. 641

106TH CONGRESS
2D SESSION

S. 662

[Report No. 106-323]

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, Ms. COLLINS, Mr. CONRAD, Mr. BAYH, Mr. INOUE, Mr. TORRICELLI, Mr. REED, Mr. DODD, Mr. AKAKA, Mr. KERRY, Mr. DORGAN, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. SCHUMER, Mr. BOND, Mr. GRAHAM, Mr. GRASSLEY, Mr. JEFFORDS, Mr. BAUCUS, Ms. LANDRIEU, Mr. EDWARDS, Mr. DASCHLE, Mr. BRYAN, Mr. BYRD, Mr. BREAUX, Mr. HAGEL, Mr. LEVIN, Mr. KOHL, Mr. SPECTER, Mr. WYDEN, Mr. ASHCROFT, Mr. L. CHAFEE, Mr. GRAMS, Mr. HATCH, Mr. WARNER, Mr. ABRAHAM, Mr. BENNETT, Mrs. HUTCHISON, Mr. CRAPO, Mr. MCCAIN, Mr. HELMS, Mr. ALLARD, Mr. STEVENS, Mr. LUGAR, Mr. SMITH of New Hampshire, Mr. BIDEN, Mr. FRIST, Mr. GORTON, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Finance

JUNE 27, 2000

Reported by Mr. ROTH with an amendment

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

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 sub-
section (aa) (relating to certain breast
or cervical cancer patients);”.~~

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

4 ~~“(aa) Individuals described in this paragraph are in-~~
 5 dividuals who—

6 ~~“(1) are not described in subsection~~
 7 ~~(a)(10)(A)(i);~~

8 ~~“(2) have not attained age 65;~~

9 ~~“(3) have been screened for breast and cervical~~
 10 cancer under the Centers for Disease Control and
 11 Prevention breast and cervical cancer early detection
 12 program established under title XV of the Public
 13 Health Service Act (42 U.S.C. 300k et seq.) in ac-
 14 cordance with the requirements of section 1504 of
 15 that Act (42 U.S.C. 300n) and need treatment for
 16 breast or cervical cancer; and

17 ~~“(4) are not otherwise covered under creditable~~
 18 coverage, as defined in section 2701(e) of the Public
 19 Health Service Act (45 U.S.C. 300gg(e)).”.

20 ~~(3) LIMITATION ON BENEFITS.—~~Section
 21 1902(a)(10) of the Social Security Act (42 U.S.C.
 22 1396a(a)(10)) is amended in the matter following
 23 subparagraph (F)—

24 (A) by striking “and (XIII)” and inserting

25 “(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:

1 “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR
 2 CERVICAL CANCER PATIENTS

3 “SEC. 1920B. (a) STATE OPTION.—A State plan ap-
 4 proved under section 1902 may provide for making med-
 5 ical assistance available to an individual described in sec-
 6 tion 1902(aa) (relating to certain breast or cervical cancer
 7 patients) during a presumptive eligibility period.

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

9 “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The
 10 term ‘presumptive eligibility period’ means, with re-
 11 spect to an individual described in subsection (a),
 12 the period that—

13 “(A) begins with the date on which a
 14 qualified entity determines, on the basis of pre-
 15 liminary information, that the individual is de-
 16 scribed in section 1902(aa); and

17 “(B) ends with (and includes) the earlier
 18 of—

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

23 “(ii) in the case of such an individual
 24 who does not file an application by the last
 25 day of the month following the month dur-

ing 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).~~

~~“(e) ADMINISTRATION.—~~

~~“(1) IN GENERAL.—The State agency shall provide qualified entities with—~~

1 ~~“(A) such forms as are necessary for an~~
 2 ~~application to be made by an individual de-~~
 3 ~~scribed in subsection (a) for medical assistance~~
 4 ~~under the State plan; and~~

5 ~~“(B) information on how to assist such in-~~
 6 ~~dividuals in completing and filing such forms.~~

7 ~~“(2) NOTIFICATION REQUIREMENTS.—A quali-~~
 8 ~~fied entity that determines under subsection~~
 9 ~~(b)(1)(A) that an individual described in subsection~~
 10 ~~(a) is presumptively eligible for medical assistance~~
 11 ~~under a State plan shall—~~

12 ~~“(A) notify the State agency of the deter-~~
 13 ~~mination within 5 working days after the date~~
 14 ~~on which determination is made; and~~

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

21 ~~“(3) APPLICATION FOR MEDICAL ASSIST-~~
 22 ~~ANCE.—In the case of an individual described in~~
 23 ~~subsection (a) who is determined by a qualified enti-~~
 24 ~~ty to be presumptively eligible for medical assistance~~
 25 ~~under a State plan, the individual shall apply for~~

1 medical assistance under such plan by not later than
 2 the last day of the month following the month dur-
 3 ing which the determination is made.

4 “(d) PAYMENT.—Notwithstanding any other provi-
 5 sion of this title, medical assistance that—

6 “(1) is furnished to an individual described in
 7 subsection (a)—

8 “(A) during a presumptive eligibility pe-
 9 riod;

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

12 “(2) is included in the care and services covered
 13 by the State plan;

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

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 1902(a)(47) of the Social Se-
 18 curity Act (42 U.S.C. 1396a(a)(47)) is amend-
 19 ed by inserting before the semicolon at the end
 20 the following: “and provide for making medical
 21 assistance available to individuals described in
 22 subsection (a) of section 1920B during a pre-
 23 sumptive eligibility period in accordance with
 24 such section”.

1 (B) Section 1903(u)(1)(D)(v) of such Act
2 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

3 (i) by striking “or for” and inserting
4 “; for”; and

5 (ii) by inserting before the period the
6 following: “; or for medical assistance pro-
7 vided to an individual described in sub-
8 section (a) of section 1920B during a pre-
9 sumptive eligibility period under such sec-
10 tion”.

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

13 (1) by striking “an” and inserting “(A) an”;

14 (2) by adding “plus” after the semicolon; and

15 (3) by adding at the end the following:

16 “(B) an amount equal to 75 percent of the
17 sums expended during such quarter which are at-
18 tributable to the offering, arranging, and furnishing
19 (directly or on a contract basis) of medical assist-
20 ance to an individual described in section 1902(aa);
21 plus”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section apply to medical assistance furnished on or
24 after October 1, 1999, without regard to whether final

1 regulations to carry out such amendments have been pro-
 2 mulgated by such date.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Breast and Cervical*
 5 *Cancer Prevention and Treatment Act of 2000”.*

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

8 *(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY*
 9 *GROUP.—*

10 *(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of*
 11 *the Social Security Act (42 U.S.C.*
 12 *1396a(a)(10)(A)(ii)) is amended—*

13 *(A) in subclause (XVI), by striking “or” at*
 14 *the end;*

15 *(B) in subclause (XVII), by adding “or” at*
 16 *the end; and*

17 *(C) by adding at the end the following:*

18 *“(XVIII) who are described in*
 19 *subsection (aa) (relating to certain*
 20 *breast or cervical cancer patients);”.*

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

24 *“(aa) Individuals described in this subsection are indi-*
 25 *viduals who—*

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

3 “(2) have not attained age 65;

4 “(3) have been screened for breast and cervical
5 cancer under the Centers for Disease Control and Pre-
6 vention breast and cervical cancer early detection
7 program established under title XV of the Public
8 Health Service Act (42 U.S.C. 300k et seq.) in accord-
9 ance with the requirements of section 1504 of that Act
10 (42 U.S.C. 300n) and need treatment for breast or
11 cervical cancer; and

12 “(4) are not otherwise covered under creditable
13 coverage, as defined in section 2701(c) of the Public
14 Health Service Act (42 U.S.C. 300gg(c)).”.

15 (3) LIMITATION ON BENEFITS.—Section
16 1902(a)(10) of the Social Security Act (42 U.S.C.
17 1396a(a)(10)) is amended in the matter following
18 subparagraph (G)—

19 (A) by striking “and (XIII)” and inserting
20 “(XIII)”; and

21 (B) by inserting “, and (XIV) the medical
22 assistance made available to an individual de-
23 scribed in subsection (aa) who is eligible for
24 medical assistance only because of subparagraph
25 (A)(10)(ii)(XVIII) shall be limited to medical as-

1 *sistance provided during the period in which*
 2 *such an individual requires treatment for breast*
 3 *or cervical cancer” before the semicolon.*

4 (4) CONFORMING AMENDMENTS.—*Section*
 5 *1905(a) of the Social Security Act (42 U.S.C.*
 6 *1396d(a)) is amended in the matter preceding para-*
 7 *graph (1)—*

8 (A) *in clause (xi), by striking “or” at the*
 9 *end;*

10 (B) *in clause (xii), by adding “or” at the*
 11 *end; and*

12 (C) *by inserting after clause (xii) the fol-*
 13 *lowing:*

14 “(xiii) *individuals described in section*
 15 *1902(aa),”.*

16 (b) PRESUMPTIVE ELIGIBILITY.—

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

20 “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR
 21 CERVICAL CANCER PATIENTS

22 “SEC. 1920B. (a) STATE OPTION.—*A State plan ap-*
 23 *proved under section 1902 may provide for making medical*
 24 *assistance available to an individual described in section*
 25 *1902(aa) (relating to certain breast or cervical cancer pa-*
 26 *tients) during a presumptive eligibility period.*

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

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

6 “(A) *begins with the date on which a quali-*
 7 *fied entity determines, on the basis of prelimi-*
 8 *nary information, that the individual is de-*
 9 *scribed in section 1902(aa); and*

10 “(B) *ends with (and includes) the earlier*
 11 *of—*

12 “(i) *the day on which a determination*
 13 *is made with respect to the eligibility of*
 14 *such individual for services under the State*
 15 *plan; or*

16 “(ii) *in the case of such an individual*
 17 *who does not file an application by the last*
 18 *day of the month following the month dur-*
 19 *ing which the entity makes the determina-*
 20 *tion referred to in subparagraph (A), such*
 21 *last day.*

22 “(2) *QUALIFIED ENTITY.—*

23 “(A) *IN GENERAL.—Subject to subpara-*
 24 *graph (B), the term ‘qualified entity’ means any*
 25 *entity that—*

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

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

6 “(B) REGULATIONS.—The Secretary may
7 issue regulations further limiting those entities
8 that may become qualified entities in order to
9 prevent fraud and abuse and for other reasons.

10 “(C) RULE OF CONSTRUCTION.—Nothing in
11 this paragraph shall be construed as preventing
12 a State from limiting the classes of entities that
13 may become qualified entities, consistent with
14 any limitations imposed under subparagraph
15 (B).

16 “(c) ADMINISTRATION.—

17 “(1) IN GENERAL.—The State agency shall pro-
18 vide qualified entities with—

19 “(A) such forms as are necessary for an ap-
20 plication to be made by an individual described
21 in subsection (a) for medical assistance under
22 the State plan; and

23 “(B) information on how to assist such in-
24 dividuals in completing and filing such forms.

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

6 “(A) *notify the State agency of the deter-*
 7 *mination within 5 working days after the date*
 8 *on which determination is made; and*

9 “(B) *inform such individual at the time the*
 10 *determination is made that an application for*
 11 *medical assistance under the State plan is re-*
 12 *quired to be made by not later than the last day*
 13 *of the month following the month during which*
 14 *the determination is made.*

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

23 “(d) *PAYMENT.*—*Notwithstanding any other provision*
 24 *of this title, medical assistance that—*

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

3 “(A) during a presumptive eligibility pe-
4 riod;

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

7 “(2) is included in the care and services covered
8 by the State plan,
9 shall be treated as medical assistance provided by such plan
10 for purposes of clause (4) of the first sentence of section
11 1905(b).”.

12 (2) CONFORMING AMENDMENTS.—

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

21 (B) Section 1903(u)(1)(D)(v) of such Act
22 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

23 (i) by striking “or for” and inserting
24 “; for”; and

1 (ii) by inserting before the period the
 2 following: “, or for medical assistance pro-
 3 vided to an individual described in sub-
 4 section (a) of section 1920B during a pre-
 5 sumptive eligibility period under such sec-
 6 tion”.

7 (c) *ENHANCED MATCH*.—The first sentence of section
 8 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is
 9 amended—

10 (1) by striking “and” before “(3)”; and

11 (2) by inserting before the period at the end the
 12 following: “, and (4) the Federal medical assistance
 13 percentage shall be equal to the enhanced FMAP de-
 14 scribed in section 2105(b) with respect to medical as-
 15 sistance provided to individuals who are eligible for
 16 such assistance only on the basis of section
 17 1902(a)(10)(A)(ii)(XVIII)”.

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

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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 program.

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