

107TH CONGRESS  
1ST SESSION

# H. R. 1793

To amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

Mrs. MORELLA (for herself, Mr. WYNN, and Mr. PUTNAM) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

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 “Melissa Froelich Medi-  
5       caid Congenital Heart Defect Waiver Act of 2001”.

6       **SEC. 2. MEDICAID WAIVER TO PROVIDE MEDICAL ASSIST-  
7       ANCE IN CASE OF INDIVIDUALS WITH CON-  
8       GENITAL HEART DEFECTS.**

9       Section 1915 of the Social Security Act (42 U.S.C.  
10      1396n) is amended—

1 (1) by redesignating subsection (h) as sub-  
2 section (i); and

3 (2) by inserting after subsection (g) the fol-  
4 lowing new subsection:

5       “(h)(1)(A) Subject to paragraph (2), the Secretary  
6 shall by waiver provide that a State plan approved under  
7 this title may include as ‘medical assistance’ under such  
8 plan payment for part or all of the costs of nursing care  
9 (including home health nursing care), respite care, physi-  
10 cians’ services, prescribed drugs (including physician or-  
11 dered dietary supplements), medical devices and supplies,  
12 home modifications required to accommodate the indi-  
13 vidual, transportation services (including medical trans-  
14 port costs of life-saving flights to treating hospitals as well  
15 as transportation to access highly specialized care which  
16 does not exist in the area of residence), payment for the  
17 set aside fund for placement on the National Organ Wait-  
18 ing List, and such other services related to the treatment  
19 of the congenital heart defect or defects requested by the  
20 State as the Secretary may approve which are provided  
21 pursuant to a written plan of care to an individual de-  
22 scribed in subparagraph (B). Such payment shall be made  
23 (in a manner consistent with section 1902(a)(25)) for  
24 costs of covered benefits that are not reimbursed under

1 group health plan, other insurance coverage, or other third  
2 party liability.

3 “(B) Individuals described in this subparagraph are  
4 individuals who at the time of birth had one or more con-  
5 genital heart defects which require surgical intervention.

6 “(2) A waiver shall not be granted under this sub-  
7 section unless the State provides assurances satisfactory  
8 to the Secretary that—

9 “(A) necessary safeguards (including adequate  
10 standards for provider participation) have been  
11 taken to protect the health and welfare of individ-  
12 uals provided services under the waiver and to as-  
13 sure financial accountability for funds expended with  
14 respect to such services;

15 “(B) under such waiver, the State, in any fiscal  
16 year will be the secondary payor of the medical as-  
17 sistance as required under section 1902(a)(25);

18 “(C) individuals described in paragraph (1)(B)  
19 shall be eligible for medical assistance at the time  
20 they have exhausted (either on a lifetime basis or  
21 based upon an annual limitation on benefits) all  
22 other health insurance benefits, without regard to  
23 the assets or resources of the individual or the indi-  
24 vidual’s family;

1           “(D) the State will provide to the Secretary an-  
2       nually, consistent with a data collection plan de-  
3       signed by the Secretary, information on the impact  
4       of the waiver granted under this subsection on the  
5       type and amount of medical assistance provided  
6       under the State plan and on the health and welfare  
7       of recipients.

8           “(3) The provisions of paragraphs (3) and (4) of sub-  
9       section (e) shall apply under this subsection in the same  
10      manner as they apply under such subsection.”.

○