

107TH CONGRESS
1ST SESSION

H. R. 2777

To amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the Medicaid Program.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mrs. LOWEY (for herself, Mr. CROWLEY, Mr. GILMAN, Ms. DELAURO, Ms. SLAUGHTER, Mr. WAXMAN, Ms. DEGETTE, Mr. BOEHLERT, Mrs. MORELLA, Mr. LEACH, and Mrs. BIGGERT) 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 provide States with options for providing family planning services and supplies to individuals eligible for medical assistance 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 “Family Planning State
5 Empowerment Act of 2001”.

1 **SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING**
2 **SERVICES AND SUPPLIES TO INDIVIDUALS**
3 **WITH INCOMES THAT DO NOT EXCEED A**
4 **STATE'S INCOME ELIGIBILITY LEVEL FOR**
5 **MEDICAL ASSISTANCE.**

6 (a) IN GENERAL.—Title XIX of the Social Security
7 Act (42 U.S.C. 1396 et seq.) is amended—

8 (1) by redesignating section 1935 as section
9 1936; and

10 (2) by inserting after section 1934 the fol-
11 lowing:

12 “STATE OPTION TO PROVIDE FAMILY PLANNING
13 SERVICES AND SUPPLIES

14 “SEC. 1935. (a) IN GENERAL.—Subject to sub-
15 sections (b) and (c), a State may elect (through a State
16 plan amendment) to make medical assistance described in
17 section 1905(a)(4)(C) available to any individual whose
18 family income does not exceed the greater of—

19 “(1) 185 percent of the income official poverty
20 line (as defined by the Office of Management and
21 Budget, and revised annually in accordance with sec-
22 tion 673(2) of the Omnibus Budget Reconciliation
23 Act of 1981) applicable to a family of the size in-
24 volved; or

25 “(2) the eligibility income level (expressed as a
26 percent of such poverty line) that has been specified

1 under a waiver authorized by the Secretary or under
2 section 1902(r)(2)), as of October 1, 2001, for an
3 individual to be eligible for medical assistance under
4 the State plan.

5 “(b) COMPARABILITY.—Medical assistance described
6 in section 1905(a)(4)(C) that is made available under a
7 State plan amendment under subsection (a) shall—

8 “(1) not be less in amount, duration, or scope
9 than the medical assistance described in that section
10 that is made available to any other individual under
11 the State plan; and

12 “(2) be provided in accordance with the restric-
13 tions on deductions, cost sharing, or similar charges
14 imposed under section 1916(a)(2)(D).

15 “(c) OPTION TO EXTEND COVERAGE DURING A
16 POST-ELIGIBILITY PERIOD.—

17 “(1) INITIAL PERIOD.—A State plan amend-
18 ment made under subsection (a) may provide that
19 any individual who was receiving medical assistance
20 described in section 1905(a)(4)(C) as a result of
21 such amendment, and who becomes ineligible for
22 such assistance because of hours of, or income from,
23 employment, may remain eligible for such medical
24 assistance through the end of the 6-month period

1 that begins on the first day the individual becomes
2 so ineligible.

3 “(2) ADDITIONAL EXTENSION.—A State plan
4 amendment made under subsection (a) may provide
5 that any individual who has received medical assist-
6 ance described in section 1905(a)(4)(C) during the
7 entire 6-month period described in paragraph (1)
8 may be extended coverage for such assistance for a
9 succeeding 6-month period.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) apply to medical assistance provided on and
12 after October 1, 2001.

13 **SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PE-**
14 **RIOD FOR PROVISION OF FAMILY PLANNING**
15 **SERVICES AND SUPPLIES.**

16 (a) IN GENERAL.—Section 1902(e)(5) of the Social
17 Security Act (42 U.S.C. 1396a(e)(5)) is amended—

18 (1) by striking “eligible under the plan, as
19 though” and inserting “eligible under the plan—

20 “(A) as though”;

21 (2) by striking the period and inserting “;
22 and”; and

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

24 “(B) for medical assistance described in section
25 1905(a)(4)(C) for so long as the family income of

1 such woman does not exceed the maximum income
2 level established by the State for the woman to be
3 eligible for medical assistance under the State plan
4 (as a result of pregnancy or otherwise).”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) apply to medical assistance provided on and
7 after October 1, 2001.

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