

107TH CONGRESS
1ST SESSION

S. 1269

To amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2001

Mr. BREAU (for himself, Mr. CHAFEE, Mr. LIEBERMAN, Mr. GRAHAM, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) 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 “Transitional Medical
5 Assistance Improvement Act of 2001”.

1 **SEC. 2. REVISION AND SIMPLIFICATION OF THE TRANSI-**
 2 **TIONAL MEDICAL ASSISTANCE PROGRAM**
 3 **(TMA).**

4 (a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12
 5 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO
 6 AN ADDITIONAL YEAR.—

7 (1) OPTION OF CONTINUOUS ELIGIBILITY FOR
 8 12 MONTHS BY MAKING REPORTING REQUIREMENTS
 9 OPTIONAL.—Section 1925(b) of the Social Security
 10 Act (42 U.S.C. 1396r–6(b)) is amended—

11 (A) in paragraph (1), by inserting “, at the
 12 option of a State,” after “and which”;

13 (B) in paragraph (2)(A), by inserting
 14 “Subject to subparagraph (C)—” after “(A)
 15 NOTICES.—”;

16 (C) in paragraph (2)(B), by inserting
 17 “Subject to subparagraph (C)—” after “(B)
 18 REPORTING REQUIREMENTS.—”;

19 (D) by adding at the end the following new
 20 subparagraph:

21 “(C) STATE OPTION TO WAIVE NOTICE
 22 AND REPORTING REQUIREMENTS.—A State
 23 may waive some or all of the reporting require-
 24 ments under clauses (i) and (ii) of subpara-
 25 graph (B). Insofar as it waives such a reporting
 26 requirement, the State need not provide for a

1 notice under subparagraph (A) relating to such
 2 requirement.”; and

3 (E) in paragraph (3)(A)(iii), by inserting
 4 “the State has not waived under paragraph
 5 (2)(C) the reporting requirement with respect
 6 to such month under paragraph (2)(B) and if”
 7 after “6-month period if”.

8 (2) STATE OPTION TO EXTEND ELIGIBILITY
 9 FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDI-
 10 TIONAL MONTHS.—Section 1925 of such Act (42
 11 U.S.C. 1396r–6) is further amended—

12 (A) by redesignating subsections (c)
 13 through (f) as subsections (d) through (g); and

14 (B) by inserting after subsection (b) the
 15 following new subsection:

16 “(c) STATE OPTION OF UP TO 12 MONTHS OF ADDI-
 17 TIONAL ELIGIBILITY.—

18 “(1) IN GENERAL.—Notwithstanding any other
 19 provision of this title, each State plan approved
 20 under this title may provide, at the option of the
 21 State, that the State shall offer to each family which
 22 received assistance during the entire 6-month period
 23 under subsection (b) and which meets the applicable
 24 requirement of paragraph (2), in the last month of
 25 the period the option of extending coverage under

1 this subsection for the succeeding period not to ex-
 2 ceed 12 months.

3 “(2) INCOME RESTRICTION.—The option under
 4 paragraph (1) shall not be made available to a fam-
 5 ily for a succeeding period unless the State deter-
 6 mines that the family’s average gross monthly earn-
 7 ings (less such costs for such child care as is nec-
 8 essary for the employment of the caretaker relative)
 9 as of the end of the 6-month period under sub-
 10 section (b) does not exceed 185 percent of the offi-
 11 cial poverty line (as defined by the Office of Man-
 12 agement and Budget, and revised annually in ac-
 13 cordance with section 673(2) of the Omnibus Budget
 14 Reconciliation Act of 1981) applicable to a family of
 15 the size involved.

16 “(3) APPLICATION OF EXTENSION RULES.—
 17 The provisions of paragraphs (2), (3), (4), and (5)
 18 of subsection (b) shall apply to the extension pro-
 19 vided under this subsection in the same manner as
 20 they apply to the extension provided under sub-
 21 section (b)(1), except that for purposes of this
 22 subsection—

23 “(A) any reference to a 6-month period
 24 under subsection (b)(1) is deemed a reference
 25 to the extension period provided under para-

1 graph (1) and any deadlines for any notices or
 2 reporting and the premium payment periods
 3 shall be modified to correspond to the appro-
 4 priate calendar quarters of coverage provided
 5 under this subsection; and

6 “(B) any reference to a provision of sub-
 7 section (a) or (b) is deemed a reference to the
 8 corresponding provision of subsection (b) or of
 9 this subsection, respectively.”.

10 (b) STATE OPTION TO WAIVE RECEIPT OF MED-
 11 ICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR
 12 TMA.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–
 13 6(a)(1)) is amended by adding at the end the following:
 14 “A State may, at its option, also apply the previous sen-
 15 tence in the case of a family that was receiving such aid
 16 for fewer than 3 months, or that had applied for and was
 17 eligible for such aid for fewer than 3 months, during the
 18 6 immediately preceding months described in such sen-
 19 tence.”.

20 (c) ELIMINATION OF SUNSET FOR TMA.—

21 (1) Subsection (g) of section 1925 of such Act
 22 (42 U.S.C. 1396r–6), as redesignated under sub-
 23 section (a)(2), is repealed.

24 (2) Section 1902(e)(1) of such Act (42 U.S.C.
 25 1396a(e)(1)) is amended by striking “(A) Notwith-

1 standing” and all that follows through “During such
 2 period, for” in subparagraph (B) and inserting
 3 “For”.

4 (d) CMS REPORT ON ENROLLMENT AND PARTICIPA-
 5 TION RATES UNDER TMA.—Section 1925 of such Act,
 6 as amended by subsections (a)(2) and (c), is amended by
 7 adding at the end the following new subsection:

8 “(g) ADDITIONAL PROVISIONS.—

9 “(1) COLLECTION AND REPORTING OF PARTICI-
 10 PATION INFORMATION.—Each State shall—

11 “(A) collect and submit to the Secretary,
 12 in a format specified by the Secretary, informa-
 13 tion on average monthly enrollment and average
 14 monthly participation rates for adults and chil-
 15 dren under this section; and

16 “(B) make such information publicly avail-
 17 able.

18 Such information shall be submitted under subpara-
 19 graph (A) at the same time and frequency in which
 20 other enrollment information under this title is sub-
 21 mitted to the Secretary. Using such information, the
 22 Secretary shall submit to Congress annual reports
 23 concerning such rates.”.

1 (e) COORDINATION OF WORK.—Section 1925(g) of
 2 such Act, as added by subsection (d), is amended by add-
 3 ing at the end the following new paragraph:

4 “(2) COORDINATION WITH ADMINISTRATION
 5 FOR CHILDREN AND FAMILIES.—The Administrator
 6 of the Centers for Medicare & Medicaid Services, in
 7 carrying out this section, shall work with the Assist-
 8 ant Secretary for the Administration for Children
 9 and Families to develop guidance or other technical
 10 assistance for States regarding best practices in
 11 guaranteeing access to transitional medical assist-
 12 ance under this section.”.

13 (f) ELIMINATION OF TMA REQUIREMENT FOR
 14 STATES THAT EXTEND COVERAGE TO CHILDREN AND
 15 PARENTS THROUGH 185 PERCENT OF POVERTY.—

16 (1) IN GENERAL.—Section 1925 of such Act is
 17 further amended by adding at the end the following
 18 new subsection:

19 “(h) PROVISIONS OPTIONAL FOR STATES THAT EX-
 20 TEND COVERAGE TO CHILDREN AND PARENTS THROUGH
 21 185 PERCENT OF POVERTY.—A State may (but is not re-
 22 quired to) meet the requirements of subsections (a) and
 23 (b) if it provides for medical assistance under this title
 24 (whether under section 1931, through a waiver under sec-
 25 tion 1115, or otherwise) to families (including both chil-

1 dren and caretaker relatives) the average gross monthly
 2 earning of which (less such costs for such child care as
 3 is necessary for the employment of a caretaker relative)
 4 is at or below a level that is at least 185 percent of the
 5 official poverty line (as defined by the Office of Manage-
 6 ment and Budget, and revised annually in accordance with
 7 section 673(2) of the Omnibus Budget Reconciliation Act
 8 of 1981) applicable to a family of the size involved.”.

9 (2) CONFORMING AMENDMENTS.—Such section
 10 is further amended, in subsections (a)(1) and (b)(1),
 11 by inserting “, but subject to subsection (h),” after
 12 “Notwithstanding any other provision of this title,”
 13 each place it appears.

14 (g) REQUIREMENT OF NOTICE FOR ALL FAMILIES
 15 LOSING TANF.—Subsection (a)(2) of such section is
 16 amended by adding after and below subparagraph (B), the
 17 following:

18 “Each State shall provide, to families whose aid
 19 under part A or E of title IV has terminated but
 20 whose eligibility for medical assistance under this
 21 title continues, written notice of their ongoing eligi-
 22 bility for such medical assistance. If a State makes
 23 a determination that any member of a family whose
 24 aid under part A or E of title IV is being terminated
 25 is also no longer eligible for medical assistance under

1 this title, the notice of such determination shall be
 2 supplemented by a one-page notification form de-
 3 scribing the different ways in which individuals and
 4 families may qualify for such medical assistance and
 5 explaining that individuals and families do not have
 6 to be receiving aid under part A or E of title IV in
 7 order to qualify for such medical assistance.”.

8 (h) EXTENDING USE OF OUTSTATIONED WORKERS
 9 TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL
 10 ASSISTANCE.—Section 1902(a)(55) of such Act (42
 11 U.S.C. 1396a(a)(55)) is amended by inserting “and under
 12 section 1931” after “(a)(10)(A)(ii)(IX)”.

13 (i) EFFECTIVE DATES.—(1) Except as provided in
 14 this subsection, the amendments made by this section shall
 15 apply to calendar quarters beginning on or after October
 16 1, 2001, without regard to whether or not final regulations
 17 to carry out such amendments have been promulgated by
 18 such date.

19 (2) The amendment made by subsection (g) shall take
 20 effect 6 months after the date of the enactment of this
 21 Act.

22 (3) In the case of a State plan for medical assistance
 23 under title XIX of the Social Security Act which the Sec-
 24 retary of Health and Human Services determines requires
 25 State legislation (other than legislation appropriating

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

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