

108TH CONGRESS  
2D SESSION

# H. R. 3840

To amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2004

Mr. NETHERCUTT introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes.

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 “Children’s Health Eq-  
5       uity Technical Amendments Act of 2004”.

1 **SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE POR-**  
 2 **TION OF SCHIP ALLOTMENT FOR ANY FISCAL**  
 3 **YEAR FOR CERTAIN MEDICAID EXPENDI-**  
 4 **TURES.**

5 (a) IN GENERAL.—Section 2105(g)(1)(A) of the So-  
 6 cial Security Act (42 U.S.C. 1397ee(g)(1)(A)) (as added  
 7 by section 1(b) of Public Law 108–74) is amended by  
 8 striking “, 1999, 2000, or 2001” and inserting “and any  
 9 fiscal year thereafter”.

10 (b) SPECIAL RULE FOR USE OF ALLOTMENTS FOR  
 11 FISCAL YEAR 2002 OR THEREAFTER.—Section 2105(g)  
 12 of the Social Security Act (42 U.S.C. 1397ee(g)) (as so  
 13 added and as amended by Public Law 108–127) is amend-  
 14 ed—

15 (1) in paragraph (2), by striking “In this sub-  
 16 section” and inserting “Subject to paragraph (4), in  
 17 this subsection”; and

18 (2) by adding at the end the following:

19 “(4) SPECIAL RULE REGARDING AUTHORITY TO  
 20 USE PORTION OF ALLOTMENTS FOR FISCAL YEAR  
 21 2002 OR THEREAFTER.—Notwithstanding para-  
 22 graph (2), the authority provided under paragraph  
 23 (1)(A) with respect to any allotment under section  
 24 2104 for fiscal year 2002 or any fiscal year there-  
 25 after (insofar as the allotment is available under  
 26 subsections (e) and (g) of such section), shall only

1 apply to a qualifying State if the State has imple-  
2 mented at least 3 of the following policies and proce-  
3 dures (relating to coverage of children under title  
4 XIX and this title):

5 “(A) UNIFORM, SIMPLIFIED APPLICATION  
6 FORM.—With respect to children who are eligi-  
7 ble for medical assistance under section  
8 1902(a)(10)(A), the State uses the same uni-  
9 form, simplified application form (including, if  
10 applicable, permitting application other than in  
11 person) for purposes of establishing eligibility  
12 for benefits under title XIX and this title.

13 “(B) ELIMINATION OF ASSET TEST.—The  
14 State does not apply any asset test for eligi-  
15 bility under section 1902(l) or this title with re-  
16 spect to children.

17 “(C) ADOPTION OF 12-MONTH CONTIN-  
18 UOUS ENROLLMENT.—The State provides that  
19 eligibility shall not be regularly redetermined  
20 more often than once every year under this title  
21 or for children described in section  
22 1902(a)(10)(A).

23 “(D) SAME VERIFICATION AND REDETER-  
24 MINATION POLICIES; AUTOMATIC REASSESS-  
25 MENT OF ELIGIBILITY.—With respect to chil-

dren who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

“(E) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).”.

(c) CONFORMING AMENDMENT.—Section 2105(g)(3) of the Social Security Act (42 U.S.C. 1397ee(g)(3)) is amended by striking “paragraphs (1) and (2)” and inserting “this subsection”.

1       (d) EFFECTIVE DATE.—The amendments made by  
2 this section take effect as if enacted on October 1, 2003.

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