

108TH CONGRESS  
1ST SESSION

# S. 621

To amend title XXI of the Social Security Act to allow qualifying States to use allotments under the State children's health insurance program for expenditures under the medicaid program.

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IN THE SENATE OF THE UNITED STATES

MARCH 13, 2003

Mr. BINGAMAN (for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. LEAHY, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XXI of the Social Security Act to allow qualifying States to use allotments under the State children's health insurance program for expenditures 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 "Children's Health Eq-  
5 uity Act of 2003".

1 **SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE**  
2 **SCHIP FUNDS FOR MEDICAID EXPENDI-**  
3 **TURES.**

4 Section 2105 of the Social Security Act (42 U.S.C.  
5 1397ee) is amended by adding at the end the following:

6 **“(g) AUTHORITY FOR QUALIFYING STATES TO USE**  
7 **CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—**

8 **“(1) STATE OPTION.—**

9 **“(A) IN GENERAL.—**Notwithstanding any  
10 other provision of law, with respect to fiscal  
11 years in which allotments for a fiscal year  
12 under section 2104 (beginning with fiscal year  
13 1998) are available under subsections (e) and  
14 (g) of that section, a qualifying State (as de-  
15 fined in paragraph (2)) may elect to use such  
16 allotments (instead of for expenditures under  
17 this title) for payments for such fiscal year  
18 under title XIX in accordance with subpara-  
19 graph (B).

20 **“(B) PAYMENTS TO STATES.—**

21 **“(i) IN GENERAL.—**In the case of a  
22 qualifying State that has elected the option  
23 described in subparagraph (A), subject to  
24 the total amount of funds described with  
25 respect to the State in subparagraph (A),  
26 the Secretary shall pay the State an



1                   determined without regard to such  
2                   amounts paid.

3                   “(2) QUALIFYING STATE.—In this subsection,  
4                   the term ‘qualifying State’ means a State that—

5                   “(A) as of April 15, 1997, has an income  
6                   eligibility standard with respect to any 1 or  
7                   more categories of children (other than infants)  
8                   who are eligible for medical assistance under  
9                   section 1902(a)(10)(A) or under a waiver under  
10                  section 1115 implemented on January 1, 1994,  
11                  that is up to 185 percent of the poverty line or  
12                  above; and

13                  “(B) satisfies the requirements described  
14                  in paragraph (3).

15                  “(3) REQUIREMENTS.—The requirements de-  
16                  scribed in this paragraph are the following:

17                  “(A) SCHIP INCOME ELIGIBILITY.—The  
18                  State has a State child health plan that (whether  
19                  implemented under title XIX or this title)—

20                  “(i) as of January 1, 2001, has an in-  
21                  come eligibility standard that is at least  
22                  200 percent of the poverty line or has an  
23                  income eligibility standard that exceeds  
24                  200 percent of the poverty line under a

1 waiver under section 1115 that is based on  
2 a child's lack of health insurance;

3 “(ii) subject to subparagraph (B),  
4 does not limit the acceptance of applica-  
5 tions for children; and

6 “(iii) provides benefits to all children  
7 in the State who apply for and meet eligi-  
8 bility standards on a statewide basis.

9 “(B) NO WAITING LIST IMPOSED.—With  
10 respect to children whose family income is at or  
11 below 200 percent of the poverty line, the State  
12 does not impose any numerical limitation, wait-  
13 ing list, or similar limitation on the eligibility of  
14 such children for child health assistance under  
15 such State plan.

16 “(C) ADDITIONAL REQUIREMENTS.—The  
17 State has implemented at least 3 of the fol-  
18 lowing policies and procedures (relating to cov-  
19 erage of children under title XIX and this title):

20 “(i) UNIFORM, SIMPLIFIED APPLICA-  
21 TION FORM.—With respect to children who  
22 are eligible for medical assistance under  
23 section 1902(a)(10)(A), the State uses the  
24 same uniform, simplified application form  
25 (including, if applicable, permitting appli-

1 cation other than in person) for purposes  
2 of establishing eligibility for benefits under  
3 title XIX and this title.

4 “(ii) ELIMINATION OF ASSET TEST.—  
5 The State does not apply any asset test for  
6 eligibility under section 1902(l) or this title  
7 with respect to children.

8 “(iii) ADOPTION OF 12-MONTH CON-  
9 TINUOUS ENROLLMENT.—The State pro-  
10 vides that eligibility shall not be regularly  
11 redetermined more often than once every  
12 year under this title or for children de-  
13 scribed in section 1902(a)(10)(A).

14 “(iv) SAME VERIFICATION AND REDE-  
15 TERMINATION POLICIES; AUTOMATIC REAS-  
16 SESSMENT OF ELIGIBILITY.—With respect  
17 to children who are eligible for medical as-  
18 sistance under section 1902(a)(10)(A), the  
19 State provides for initial eligibility deter-  
20 minations and redeterminations of eligi-  
21 bility using the same verification policies  
22 (including with respect to face-to-face  
23 interviews), forms, and frequency as the  
24 State uses for such purposes under this  
25 title, and, as part of such redetermina-

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