

109TH CONGRESS
1ST SESSION

S. 710

To amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2005

Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, 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 "Prevent Prematurity
5 and Improve Child Health Act of 2005".

1 **SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF**
 2 **CERTAIN PREGNANT WOMEN UNDER MED-**
 3 **ICAID AND SCHIP.**

4 (a) MEDICAID.—

5 (1) AUTHORITY TO EXPAND COVERAGE.—Sec-
 6 tion 1902(l)(2)(A)(i) of the Social Security Act (42
 7 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting
 8 “(or such higher percentage as the State may elect
 9 for purposes of expenditures for medical assistance
 10 for pregnant women described in section
 11 1905(u)(4)(A))” after “185 percent”.

12 (2) ENHANCED MATCHING FUNDS AVAILABLE
 13 IF CERTAIN CONDITIONS MET.—Section 1905 of the
 14 Social Security Act (42 U.S.C. 1396d) is amended—

15 (A) in the fourth sentence of subsection
 16 (b), by striking “or subsection (u)(3)” and in-
 17 serting “, (u)(3), or (u)(4)”; and

18 (B) in subsection (u)—

19 (i) by redesignating paragraph (4) as
 20 paragraph (5); and

21 (ii) by inserting after paragraph (3)
 22 the following new paragraph:

23 “(4) For purposes of the fourth sentence of sub-
 24 section (b) and section 2105(a), the expenditures de-
 25 scribed in this paragraph are the following:

1 “(A) CERTAIN PREGNANT WOMEN.—If the con-
2 ditions described in subparagraph (B) are met, ex-
3 penditures for medical assistance for pregnant
4 women described in subsection (n) or in section
5 1902(l)(1)(A) in a family the income of which ex-
6 ceeds 185 percent of the poverty line, but does not
7 exceed the income eligibility level established under
8 title XXI for a targeted low-income child.

9 “(B) CONDITIONS.—The conditions described
10 in this subparagraph are the following:

11 “(i) The State plans under this title and
12 title XXI do not provide coverage for pregnant
13 women described in subparagraph (A) with
14 higher family income without covering such
15 pregnant women with a lower family income.

16 “(ii) The State does not apply an effective
17 income level for pregnant women that is lower
18 than the effective income level (expressed as a
19 percent of the poverty line and considering ap-
20 plicable income disregards) that has been speci-
21 fied under the State plan under subsection
22 (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902,
23 as of January 1, 2005, to be eligible for medical
24 assistance as a pregnant woman.

1 “(C) DEFINITION OF POVERTY LINE.—In this
2 subsection, the term ‘poverty line’ has the meaning
3 given such term in section 2110(c)(5).”.

4 (3) PAYMENT FROM TITLE XXI ALLOTMENT
5 FOR MEDICAID EXPANSION COSTS; ELIMINATION OF
6 COUNTING MEDICAID CHILD PRESUMPTIVE ELIGI-
7 BILITY COSTS AGAINST TITLE XXI ALLOTMENT.—
8 Section 2105(a)(1) of the Social Security Act (42
9 U.S.C. 1397ee(a)(1)) is amended—

10 (A) in the matter preceding subparagraph
11 (A), by striking “(or, in the case of expendi-
12 tures described in subparagraph (B), the Fed-
13 eral medical assistance percentage (as defined
14 in the first sentence of section 1905(b)))”; and

15 (B) by striking subparagraph (B) and in-
16 sserting the following new subparagraph:

17 “(B) for the provision of medical assist-
18 ance that is attributable to expenditures de-
19 scribed in section 1905(u)(4)(A);”.

20 (b) SCHIP.—

21 (1) COVERAGE.—Title XXI of the Social Secu-
22 rity Act (42 U.S.C. 1397aa et seq.) is amended by
23 adding at the end the following new section:

1 **“SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-IN-**
2 **COME PREGNANT WOMEN.**

3 “(a) **OPTIONAL COVERAGE.**—Notwithstanding any
4 other provision of this title, a State may provide for cov-
5 erage, through an amendment to its State child health
6 plan under section 2102, of pregnancy-related assistance
7 for targeted low-income pregnant women in accordance
8 with this section, but only if—

9 “(1) the State has established an income eligi-
10 bility level for pregnant women under subsection
11 (a)(10)(A)(i)(III) or (1)(2)(A) of section 1902 that is
12 at least 185 percent of the income official poverty
13 line; and

14 “(2) the State meets the conditions described in
15 section 1905(u)(4)(B).

16 “(b) **DEFINITIONS.**—For purposes of this title:

17 “(1) **PREGNANCY-RELATED ASSISTANCE.**—The
18 term ‘pregnancy-related assistance’ has the meaning
19 given the term ‘child health assistance’ in section
20 2110(a) as if any reference to targeted low-income
21 children were a reference to targeted low-income
22 pregnant women, except that the assistance shall be
23 limited to services related to pregnancy (which in-
24 clude prenatal, delivery, and postpartum services
25 and services described in section 1905(a)(4)(C)) and
26 to other conditions that may complicate pregnancy.

1 “(2) TARGETED LOW-INCOME PREGNANT
2 WOMAN.—The term ‘targeted low-income pregnant
3 woman’ means a woman—

4 “(A) during pregnancy and through the
5 end of the month in which the 60-day period
6 (beginning on the last day of her pregnancy)
7 ends;

8 “(B) whose family income exceeds the ef-
9 fective income level (expressed as a percent of
10 the poverty line and considering applicable in-
11 come disregards) that has been specified under
12 subsection (a)(10)(A)(i)(III) or (l)(2)(A) of sec-
13 tion 1902, as of January 1, 2005, to be eligible
14 for medical assistance as a pregnant woman
15 under title XIX but does not exceed the income
16 eligibility level established under the State child
17 health plan under this title for a targeted low-
18 income child; and

19 “(C) who satisfies the requirements of
20 paragraphs (1)(A), (1)(C), (2), and (3) of sec-
21 tion 2110(b) in the same manner as a child ap-
22 plying for child health assistance would have to
23 satisfy such requirements.

24 “(c) REFERENCES TO TERMS AND SPECIAL
25 RULES.—In the case of, and with respect to, a State pro-

1 viding for coverage of pregnancy-related assistance to tar-
2 geted low-income pregnant women under subsection (a),
3 the following special rules apply:

4 “(1) Any reference in this title (other than in
5 subsection (b)) to a targeted low-income child is
6 deemed to include a reference to a targeted low-in-
7 come pregnant woman.

8 “(2) Any such reference to child health assist-
9 ance with respect to such women is deemed a ref-
10 erence to pregnancy-related assistance.

11 “(3) Any such reference to a child is deemed a
12 reference to a woman during pregnancy and the pe-
13 riod described in subsection (b)(2)(A).

14 “(4) In applying section 2102(b)(3)(B), any
15 reference to children found through screening to be
16 eligible for medical assistance under the State med-
17 icaid plan under title XIX is deemed a reference to
18 pregnant women.

19 “(5) There shall be no exclusion of benefits for
20 services described in subsection (b)(1) based on any
21 preexisting condition and no waiting period (includ-
22 ing any waiting period imposed to carry out section
23 2102(b)(3)(C)) shall apply.

24 “(6) Subsection (a) of section 2103 (relating to
25 required scope of health insurance coverage) shall

1 not apply insofar as a State limits coverage to serv-
2 ices described in subsection (b)(1) and the reference
3 to such section in section 2105(a)(1)(C) is deemed
4 not to require, in such case, compliance with the re-
5 quirements of section 2103(a).

6 “(7) In applying section 2103(e)(3)(B) in the
7 case of a pregnant woman provided coverage under
8 this section, the limitation on total annual aggregate
9 cost-sharing shall be applied to such pregnant
10 woman.

11 “(8) The reference in section 2107(e)(1)(D) to
12 section 1920A (relating to presumptive eligibility for
13 children) is deemed a reference to section 1920 (re-
14 lating to presumptive eligibility for pregnant
15 women).

16 “(d) AUTOMATIC ENROLLMENT FOR CHILDREN
17 BORN TO WOMEN RECEIVING PREGNANCY-RELATED AS-
18 SISTANCE.—If a child is born to a targeted low-income
19 pregnant woman who was receiving pregnancy-related as-
20 sistance under this section on the date of the child’s birth,
21 the child shall be deemed to have applied for child health
22 assistance under the State child health plan and to have
23 been found eligible for such assistance under such plan
24 or to have applied for medical assistance under title XIX
25 and to have been found eligible for such assistance under

1 such title, as appropriate, on the date of such birth and
 2 to remain eligible for such assistance until the child at-
 3 tains 1 year of age. During the period in which a child
 4 is deemed under the preceding sentence to be eligible for
 5 child health or medical assistance, the child health or med-
 6 ical assistance eligibility identification number of the
 7 mother shall also serve as the identification number of the
 8 child, and all claims shall be submitted and paid under
 9 such number (unless the State issues a separate identifica-
 10 tion number for the child before such period expires).”.

11 (2) ADDITIONAL ALLOTMENTS FOR PROVIDING
 12 COVERAGE OF PREGNANT WOMEN.—

13 (A) IN GENERAL.—Section 2104 of the So-
 14 cial Security Act (42 U.S.C. 1397dd) is amend-
 15 ed by inserting after subsection (c) the fol-
 16 lowing new subsection:

17 “(d) ADDITIONAL ALLOTMENTS FOR PROVIDING
 18 COVERAGE OF PREGNANT WOMEN.—

19 “(1) APPROPRIATION; TOTAL ALLOTMENT.—
 20 For the purpose of providing additional allotments
 21 to States under this title, there is appropriated, out
 22 of any money in the Treasury not otherwise appro-
 23 priated, for each of fiscal years 2006 and 2007,
 24 \$200,000,000.

1 “(2) STATE AND TERRITORIAL ALLOTMENTS.—

2 In addition to the allotments provided under sub-
3 sections (b) and (c), subject to paragraphs (3) and
4 (4), of the amount available for the additional allot-
5 ments under paragraph (1) for a fiscal year, the
6 Secretary shall allot to each State with a State child
7 health plan approved under this title—

8 “(A) in the case of such a State other than
9 a commonwealth or territory described in sub-
10 paragraph (B), the same proportion as the pro-
11 portion of the State’s allotment under sub-
12 section (b) (determined without regard to sub-
13 section (f)) to the total amount of the allot-
14 ments under subsection (b) for such States eli-
15 gible for an allotment under this paragraph for
16 such fiscal year; and

17 “(B) in the case of a commonwealth or ter-
18 ritory described in subsection (c)(3), the same
19 proportion as the proportion of the common-
20 wealth’s or territory’s allotment under sub-
21 section (c) (determined without regard to sub-
22 section (f)) to the total amount of the allot-
23 ments under subsection (c) for commonwealths
24 and territories eligible for an allotment under
25 this paragraph for such fiscal year.

1 “(3) USE OF ADDITIONAL ALLOTMENT.—Addi-
2 tional allotments provided under this subsection are
3 not available for amounts expended before October
4 1, 2005. Such amounts are available for amounts ex-
5 pended on or after such date for child health assist-
6 ance for targeted low-income children, as well as for
7 pregnancy-related assistance for targeted low-income
8 pregnant women.

9 “(4) NO PAYMENTS UNLESS ELECTION TO EX-
10 PAND COVERAGE OF PREGNANT WOMEN.—No pay-
11 ments may be made to a State under this title from
12 an allotment provided under this subsection unless
13 the State provides pregnancy-related assistance for
14 targeted low-income pregnant women under this
15 title, or provides medical assistance for pregnant
16 women under title XIX, whose family income ex-
17 ceeds the effective income level applicable under sub-
18 section (a)(10)(A)(i)(III) or (l)(2)(A) of section
19 1902 to a family of the size involved as of January
20 1, 2005.”.

21 (B) CONFORMING AMENDMENTS.—Section
22 2104 of the Social Security Act (42 U.S.C.
23 1397dd) is amended—

24 (i) in subsection (a), in the matter
25 preceding paragraph (1), by inserting

1 “subject to subsection (d),” after “under
2 this section,”;

3 (ii) in subsection (b)(1), by inserting
4 “and subsection (d)” after “Subject to
5 paragraph (4)”; and

6 (iii) in subsection (c)(1), by inserting
7 “subject to subsection (d),” after “for a
8 fiscal year,”.

9 (3) ADDITIONAL CONFORMING AMENDMENTS.—

10 (A) NO COST-SHARING FOR PREGNANCY-
11 RELATED BENEFITS.—Section 2103(e)(2) of
12 the Social Security Act (42 U.S.C.
13 1397cc(e)(2)) is amended—

14 (i) in the heading, by inserting “OR
15 PREGNANCY-RELATED SERVICES” after
16 “PREVENTIVE SERVICES”; and

17 (ii) by inserting before the period at
18 the end the following: “or for pregnancy-
19 related services”.

20 (B) NO WAITING PERIOD.—Section
21 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is
22 amended—

23 (i) in clause (i), by striking “, and” at
24 the end and inserting a semicolon;

1 (ii) in clause (ii), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (iii) by adding at the end the fol-
 4 lowing new clause:

5 “(iii) may not apply a waiting period
 6 (including a waiting period to carry out
 7 paragraph (3)(C)) in the case of a targeted
 8 low-income pregnant woman.”.

9 (c) AUTHORITY FOR STATES THAT PROVIDE MED-
 10 ICAID OR SCHIP COVERAGE FOR PREGNANT WOMEN
 11 WITH INCOME ABOVE 185 PERCENT OF THE POVERTY
 12 LINE TO USE PORTION OF SCHIP FUNDS FOR MEDICAID
 13 EXPENDITURES.—Section 2105(g) of the Social Security
 14 Act (42 U.S.C. 1397ee(g)) is amended—

15 (1) in the subsection heading, by inserting
 16 “AND CERTAIN PREGNANCY COVERAGE EXPANSION
 17 STATES” after “QUALIFYING STATES”;

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

19 “(4) SPECIAL AUTHORITY FOR CERTAIN PREG-
 20 NANCY COVERAGE EXPANSION STATES.—

21 “(A) IN GENERAL.—In the case of a State
 22 that, as of the date of enactment of the Prevent
 23 Prematurity and Improve Child Health Act of
 24 2005, has an income eligibility standard under
 25 title XIX or this title (under section

1 1902(a)(10)(A) or under a statewide waiver in
2 effect under section 1115 with respect to title
3 XIX or this title) that is at least 185 percent
4 of the poverty line with respect to pregnant
5 women, the State may elect to use not more
6 than 20 percent of any allotment under section
7 2104 for any fiscal year (insofar as it is avail-
8 able under any subsection of such section) for
9 payments under title XIX in accordance with
10 subparagraph (B), instead of for expenditures
11 under this title.

12 “(B) PAYMENTS TO STATES.—

13 “(i) IN GENERAL.—In the case of a
14 State described in subparagraph (A) that
15 has elected the option described in that
16 subparagraph, subject to the availability of
17 funds under such subparagraph and, if ap-
18 plicable, paragraph (1)(A), with respect to
19 the State, the Secretary shall pay the State
20 an amount each quarter equal to the addi-
21 tional amount that would have been paid
22 to the State under title XIX with respect
23 to expenditures described in clause (ii) if
24 the enhanced FMAP (as determined under
25 subsection (b)) had been substituted for

1 the Federal medical assistance percentage
2 (as defined in section 1905(b)).

3 “(ii) EXPENDITURES DESCRIBED.—

4 For purposes of this subparagraph, the ex-
5 penditures described in this clause are ex-
6 penditures, made after the date of the en-
7 actment of this paragraph and during the
8 period in which funds are available to the
9 State for use under subparagraph (A), for
10 medical assistance under title XIX for
11 pregnant women whose family income is at
12 least 185 percent of the poverty line.

13 “(iii) NO IMPACT ON DETERMINATION
14 OF BUDGET NEUTRALITY FOR WAIVERS.—

15 In the case of a State described in sub-
16 paragraph (A) that uses amounts paid
17 under this paragraph for expenditures de-
18 scribed in clause (ii) that are incurred
19 under a waiver approved for the State, any
20 budget neutrality determinations with re-
21 spect to such waiver shall be determined
22 without regard to such amounts paid.”;
23 and

24 (3) in paragraph (3), by striking “and (2)” and
25 inserting “(2), and (4)”.

1 (d) OTHER AMENDMENTS TO MEDICAID.—

2 (1) ELIGIBILITY OF A NEWBORN.—Section
3 1902(e)(4) of the Social Security Act (42 U.S.C.
4 1396a(e)(4)) is amended in the first sentence by
5 striking “so long as the child is a member of the
6 woman’s household and the woman remains (or
7 would remain if pregnant) eligible for such assist-
8 ance”.

9 (2) APPLICATION OF QUALIFIED ENTITIES TO
10 PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN
11 UNDER MEDICAID.—Section 1920(b) of the Social
12 Security Act (42 U.S.C. 1396r–1(b)) is amended by
13 adding after paragraph (2) the following flush sen-
14 tence:

15 “The term ‘qualified provider’ includes a qualified entity
16 as defined in section 1920A(b)(3).”.

17 (e) EFFECTIVE DATE.—The amendments made by
18 this section apply to items and services furnished on or
19 after October 1, 2005, without regard to whether regula-
20 tions implementing such amendments have been promul-
21 gated.

22 **SEC. 3. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS**
23 **UNDER THE MEDICAID PROGRAM AND SCHIP.**

24 (a) MEDICAID PROGRAM.—Section 1903(v) of the
25 Social Security Act (42 U.S.C. 1396b(v)) is amended—

1 (1) in paragraph (1), by striking “paragraph
2 (2)” and inserting “paragraphs (2) and (4)”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(4)(A) A State may elect (in a plan amendment
6 under this title) to provide medical assistance under this
7 title for aliens who are lawfully residing in the United
8 States (including battered aliens described in section
9 431(e) of the Personal Responsibility and Work Oppor-
10 tunity Reconciliation Act of 1996) and who are otherwise
11 eligible for such assistance, within any of the following eli-
12 gibility categories:

13 “(i) PREGNANT WOMEN.—Women during preg-
14 nancy (and during the 60-day period beginning on
15 the last day of the pregnancy).

16 “(ii) CHILDREN.—Children (as defined under
17 such plan), including optional targeted low-income
18 children described in section 1905(u)(2)(B).

19 “(B)(i) In the case of a State that has elected to pro-
20 vide medical assistance to a category of aliens under sub-
21 paragraph (A), no debt shall accrue under an affidavit of
22 support against any sponsor of such an alien on the basis
23 of provision of assistance to such category and the cost
24 of such assistance shall not be considered as an unreim-
25 bursed cost.

1 “(ii) The provisions of sections 401(a), 402(b), 403,
2 and 421 of the Personal Responsibility and Work Oppor-
3 tunity Reconciliation Act of 1996 shall not apply to a
4 State that makes an election under subparagraph (A).”.

5 (b) TITLE XXI.—Section 2107(e)(1) of the Social
6 Security Act (42 U.S.C. 1397gg(e)(1)) is amended by add-
7 ing at the end the following new subparagraph:

8 “(E) Section 1903(v)(4) (relating to op-
9 tional coverage of permanent resident alien
10 pregnant women and children), but only with
11 respect to an eligibility category under this title,
12 if the same eligibility category has been elected
13 under such section for purposes of title XIX.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section take effect on October 1, 2005, and apply to
16 medical assistance and child health assistance furnished
17 on or after such date.

18 **SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER**
19 **THE MEDICAID PROGRAM.**

20 (a) DROPPING EXCEPTION FROM MEDICAID PRE-
21 SCRIPTIION DRUG COVERAGE FOR TOBACCO CESSATION
22 MEDICATIONS.—Section 1927(d)(2) of the Social Security
23 Act (42 U.S.C. 1396r–8(d)(2)) is amended—

24 (1) by striking subparagraph (E);

1 (2) by redesignating subparagraphs (F)
2 through (J) as subparagraphs (E) through (I), re-
3 spectively; and

4 (3) in subparagraph (F) (as redesignated by
5 paragraph (2)), by inserting before the period at the
6 end the following: “, except agents approved by the
7 Food and Drug Administration for purposes of pro-
8 moting, and when used to promote, tobacco ces-
9 sation”.

10 (b) REQUIRING COVERAGE OF TOBACCO CESSATION
11 COUNSELING SERVICES FOR PREGNANT WOMEN.—Sec-
12 tion 1905 of the Social Security Act (42 U.S.C.
13 1396d(a)(4)) is amended—

14 (1) in subsection (a)(4)—

15 (A) by striking “and” before “(C)”; and

16 (B) by inserting before the semicolon at
17 the end the following new subparagraph: “; and
18 (D) counseling for cessation of tobacco use (as
19 defined in subsection (y)) for pregnant women”;
20 and

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

22 “(y)(1) For purposes of this title, the term ‘coun-
23 seling for cessation of tobacco use’ means therapy and
24 counseling for cessation of tobacco use for pregnant

1 women who use tobacco products or who are being treated
2 for tobacco use that is furnished—

3 “(A) by or under the supervision of a physician;

4 or

5 “(B) by any other health care professional
6 who—

7 “(i) is legally authorized to furnish such
8 services under State law (or the State regu-
9 latory mechanism provided by State law) of the
10 State in which the services are furnished; and

11 “(ii) is authorized to receive payment for
12 other services under this title or is designated
13 by the Secretary for this purpose.

14 “(2) Subject to paragraph (3), such term is limited
15 to—

16 “(A) therapy and counseling services rec-
17 ommended in ‘Treating Tobacco Use and Depend-
18 ence: A Clinical Practice Guideline’, published by the
19 Public Health Service in June 2000, or any subse-
20 quent modification of such Guideline; and

21 “(B) such other therapy and counseling services
22 that the Secretary recognizes to be effective.

23 “(3) Such term shall not include coverage for drugs
24 or biologicals that are not otherwise covered under this
25 title.”.

1 (c) REMOVAL OF COST-SHARING FOR TOBACCO CES-
 2 SATION COUNSELING SERVICES FOR PREGNANT
 3 WOMEN.—Section 1916 of the Social Security Act (42
 4 U.S.C. 1396o) is amended in each of subsections (a)(2)(B)
 5 and (b)(2)(B) by inserting “, and counseling for cessation
 6 of tobacco use (as defined in section 1905(y))” after “com-
 7 plicate the pregnancy”.

8 (d) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to services furnished on or after
 10 the date that is 1 year after the date of enactment of this
 11 Act.

12 **SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER**
 13 **THE MATERNAL AND CHILD HEALTH SERV-**
 14 **ICES BLOCK GRANT PROGRAM.**

15 (a) QUALITY MATERNAL AND CHILD HEALTH SERV-
 16 ICES INCLUDE TOBACCO CESSATION COUNSELING AND
 17 MEDICATIONS.—

18 (1) IN GENERAL.—Section 501 of the Social
 19 Security Act (42 U.S.C. 701) is amended by adding
 20 at the end the following new subsection:

21 “(c) For purposes of this title, counseling for ces-
 22 sation of tobacco use (as defined in section 1905(y)),
 23 drugs and biologicals used to promote smoking cessation,
 24 and the inclusion of antitobacco messages in health pro-

1 motion counseling shall be considered to be part of quality
2 maternal and child health services.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall take effect on the date that
5 is 1 year after the date of enactment of this Act.

6 (b) EVALUATION OF NATIONAL CORE PERFORMANCE
7 MEASURES.—

8 (1) IN GENERAL.—The Administrator of the
9 Health Resources and Services Administration shall
10 assess the current national core performance meas-
11 ures and national core outcome measures utilized
12 under the Maternal and Child Health Block Grant
13 under title V of the Social Security Act (42 U.S.C.
14 701 et seq.) for purposes of expanding such meas-
15 ures to include some of the known causes of low
16 birth weight and prematurity, including the percent-
17 age of infants born to pregnant women who smoked
18 during pregnancy.

19 (2) REPORT.—Not later than 1 year after the
20 date of enactment of this Act, the Administrator of
21 the Health Resources and Services Administration
22 shall submit to the appropriate committees of Con-
23 gress a report concerning the results of the evalua-
24 tion conducted under paragraph (1).

1 **SEC. 6. 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 1936 as section
 9 1937; and

10 (2) by inserting after section 1935 the following
 11 new section:

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 percentage of such poverty line) that has been speci-

1 fied under a waiver authorized by the Secretary or
2 under section 1902(r)(2)), as of October 1, 2005,
3 for an individual to be eligible for medical assistance
4 under 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, 2005.

13 **SEC. 7. 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 new sub-
24 paragraph:

1 “(A) IN GENERAL.—A State may waive
2 the requirement of paragraph (1)(C) that a tar-
3 geted low-income child may not be covered
4 under a group health plan or under health in-
5 surance coverage if the State satisfies the con-
6 ditions described in subsection (c)(8). The State
7 may waive such requirement in order to pro-
8 vide—

9 “(i) services for a child with special
10 health care needs; or

11 “(ii) all services.

12 “(B) AUTHORITY TO LIMIT INCOME ELIGI-
13 BILITY.—In waiving such requirement, a State
14 may limit the application of the waiver to chil-
15 dren whose family income does not exceed a
16 level specified by the State, so long as the level
17 so specified does not exceed the maximum in-
18 come level otherwise established for other chil-
19 dren under the State child health plan.”.

20 (B) CONDITIONS DESCRIBED.—Section
21 2105(c) of the Social Security Act (42 U.S.C.
22 1397ee(c)) is amended by adding at the end the
23 following:

24 “(8) CONDITIONS FOR PROVISION OF WRAP-
25 AROUND COVERAGE.—For purposes of section

1 2110(b)(5), the conditions described in this para-
2 graph are the following:

3 “(A) INCOME ELIGIBILITY.—The State
4 child health plan (whether implemented under
5 title XIX or this title)—

6 “(i) has the highest income eligibility
7 standard permitted under this title as of
8 January 1, 2005;

9 “(ii) subject to subparagraph (B),
10 does not limit the acceptance of applica-
11 tions for children; and

12 “(iii) provides benefits to all children
13 in the State who apply for and meet eligi-
14 bility standards.

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

22 “(C) NO MORE FAVORABLE TREATMENT.—
23 The State child health plan may not provide
24 more favorable coverage of dental services to
25 the children covered under section 2110(b)(5)

1 than to children otherwise covered under this
2 title.”.

3 (C) STATE OPTION TO WAIVE WAITING PE-
4 RIOD.—Section 2102(b)(1)(B) of the Social Se-
5 curity Act (42 U.S.C. 1397bb(b)(1)(B)), as
6 amended by section 2(b)(3)(B), is amended—

7 (i) in clause (ii), by striking “, and”
8 at the end and inserting a semicolon;

9 (ii) in clause (iii), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing new clause:

13 “(iv) at State option, may not apply a
14 waiting period in the case of a child de-
15 scribed in section 2110(b)(5), if the State
16 satisfies the requirements of section
17 2105(c)(8).”.

18 (2) APPLICATION OF ENHANCED MATCH UNDER
19 MEDICAID.—Section 1905 of the Social Security Act
20 (42 U.S.C. 1396d), as amended by section 2(a)(2),
21 is amended—

22 (A) in subsection (b), in the fourth sen-
23 tence, by striking “or (u)(4)” and inserting
24 “(u)(4), or (u)(5)”; and

25 (B) in subsection (u)—

1 (i) by redesignating paragraph (5) as
2 paragraph (6); and

3 (ii) by inserting after paragraph (4)
4 the following:

5 “(5) For purposes of subsection (b), the ex-
6 penditures described in this paragraph are expendi-
7 tures for items and services for children described in
8 section 2110(b)(5), but only in the case of a State
9 that satisfies the requirements of section
10 2105(e)(8).”.

11 (3) APPLICATION OF SECONDARY PAYOR PROVI-
12 SIONS.—Section 2107(e)(1) of the Social Security
13 Act (42 U.S.C. 1397gg(e)(1)), as amended by sec-
14 tion 3(b), is amended by adding at the end the fol-
15 lowing:

16 “(F) Section 1902(a)(25) (relating to co-
17 ordination of benefits and secondary payor pro-
18 visions) with respect to children covered under
19 a waiver described in section 2110(b)(5).”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on January 1, 2005, and
22 shall apply to child health assistance and medical assist-
23 ance provided on or after that date.

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