

111TH CONGRESS  
1ST SESSION

# H. R. 2840

To amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children’s Health Insurance Program for covered items and services furnished by school-based health clinics.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2009

Mr. SARBANES (for himself, Mr. TOWNS, Mr. DINGELL, Mr. MCGOVERN, Mr. WU, Mr. BLUMENAUER, Mrs. CAPPS, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. HARMAN, Ms. BALDWIN, and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children’s Health Insurance Program for covered items and services furnished by school-based health clinics.

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 “Healthy Schools Act  
5   of 2009”.

1 **SEC. 2. ASSURANCE OF PAYMENT UNDER MEDICAID AND**  
2 **CHIP FOR COVERED ITEMS AND SERVICES**  
3 **FURNISHED BY CERTAIN SCHOOL-BASED**  
4 **HEALTH CLINICS.**

5 (a) STATE PLAN REQUIREMENT.—Section 1902(a)  
6 of the Social Security Act (42 U.S.C. 1396a(a)), as  
7 amended by section 5006(e)(2)(A) of division B of the  
8 American Recovery and Reinvestment Act of 2009 (Public  
9 Law 111–5), is amended—

10 (1) in paragraph (72), by striking “and” at the  
11 end;

12 (2) in paragraph (73)(B), by striking the period  
13 at the end and inserting “; and”; and

14 (3) by inserting after paragraph (73), the fol-  
15 lowing new paragraph:

16 “(74) provide that the State shall certify to the  
17 Secretary that the State has implemented proce-  
18 dures to pay for medical assistance (including care  
19 and services described in subsections (a)(4)(B) and  
20 (r) of section 1905 and provided in accordance with  
21 section 1902(a)(43)) furnished in a school-based  
22 health clinic, if payment would be made under the  
23 State plan for the same items and services if fur-  
24 nished in a physician’s office or other outpatient  
25 clinic (including if such payment would be included  
26 in the determination of a prepaid capitation or other

1 risk-based rate of payment to an entity under a con-  
2 tract pursuant to section 1903(m)).”.

3 (b) APPLICATION TO CHIP.—Section 2107(e)(1) of  
4 the Social Security Act (42 U.S.C. 1397gg(e)(1)) is  
5 amended—

6 (1) by redesignating subparagraphs (B)  
7 through (D) as subparagraphs (C) through (E), re-  
8 spectively; and

9 (2) by inserting after subparagraph (A), the fol-  
10 lowing new subparagraph:

11 “(B) Section 1902(a)(74) (relating to pro-  
12 cedures to ensure payment for covered services  
13 furnished in a school-based health clinic).”.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion or the amendments made by this section shall be con-  
16 strued to preempt or supersede State or local law with  
17 respect to whether a school-based health clinic provides  
18 family planning services and supplies.

19 (d) EFFECTIVE DATE.—The amendments made by  
20 this section take effect on October 1, 2009.

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