

111TH CONGRESS
1ST SESSION

H. R. 3176

To amend title XIX of the Social Security Act to require Medicaid coverage of professional medical services of optometrists.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2009

Mr. ENGEL (for himself and Mr. SULLIVAN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to require Medicaid coverage of professional medical services of optometrists.

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 “Optometric Fairness
5 in Medicaid Act of 2009”.

6 **SEC. 2. REQUIRING MEDICAID COVERAGE OF PROFES-**
7 **SIONAL MEDICAL SERVICES OF OPTOM-**
8 **ETRISTS.**

9 (a) IN GENERAL.—Section 1905(a) of the Social Se-
10 curity Act (42 U.S.C. 1396d(a)) is amended—

1 (1) in paragraph (5)—

2 (A) by striking “and (B)” and inserting “,
3 (B)”; and

4 (B) by inserting before the semicolon at
5 the end the following: “, and (C) medical serv-
6 ices that are eligible for payment under the
7 Medicaid program that are furnished by an op-
8 tometrist (described in section 1861(r)(4)) and
9 that optometrists are legally authorized to per-
10 form under State law”; and

11 (2) by adding at the end the following: “Para-
12 graph (5)(C) shall not be construed to expand the
13 scope of practice for any provider.”.

14 (b) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the amendments made by subsection (a)
17 shall take effect 90 days after the date of the enact-
18 ment of this Act and shall apply to services fur-
19 nished or other actions required on or after such
20 date.

21 (2) EXCEPTION IF STATE LEGISLATION RE-
22 QUIRED.—In the case of a State plan for medical as-
23 sistance under title XIX of the Social Security Act
24 which the Secretary of Health and Human Services
25 determines requires State legislation (other than leg-

1 isolation appropriating funds) in order for the plan to
2 meet the additional requirements made by the
3 amendments made by subsection (a), the State plan
4 shall not be regarded as failing to comply with the
5 requirements of such title solely on the basis of its
6 failure to meet these additional requirements before
7 the first day of the first calendar quarter beginning
8 after the close of the first regular session of the
9 State legislature that begins after the date of enact-
10 ment of this Act. For purposes of the previous sen-
11 tence, in the case of a State that has a 2-year legis-
12 lative session, each year of such session shall be
13 deemed to be a separate regular session of the State
14 legislature.

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