

111TH CONGRESS  
1ST SESSION

# H. R. 465

To amend titles XIX and XXI of the Social Security Act to permit States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and SCHIP.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2009

Mr. GENE GREEN of Texas (for himself, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WAXMAN) 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 permit States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and SCHIP.

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. PERMITTING STATES TO ENSURE COVERAGE**

4 **WITHOUT A 5-YEAR DELAY OF CERTAIN CHIL-**

5 **DREN AND PREGNANT WOMEN UNDER THE**

6 **MEDICAID PROGRAM AND SCHIP.**

7 (a) PURPOSE.—In order to promote the health of  
8 needy children and pregnant women residing lawfully in

1 the United States, States should be permitted to waive  
2 certain restrictions which result in a 5-year delay for cov-  
3 erage of necessary health services for such children and  
4 women under the Medicaid program and SCHIP.

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

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

9 (2) by adding at the end the following new  
10 paragraph:

11 “(4)(A) A State may elect (in a plan amendment  
12 under this title) to provide, notwithstanding sections  
13 401(a), 402(b), 403, and 421 of Public Law 104–193,  
14 medical assistance under a State plan under this title to  
15 children and pregnant women who are lawfully residing  
16 in the United States (including battered individuals de-  
17 scribed in section 431(c) of such Act) and are otherwise  
18 eligible for such assistance.

19 “(B) Such election may be made only with respect  
20 to either or both of the following categories of individuals:

21 “(i) Children.

22 “(ii) Pregnant women.

23 “(C) In this paragraph:

24 “(i) The term ‘pregnant women’ means  
25 women during pregnancy (and during the 60-

1 day period beginning on the last day of the  
2 pregnancy).

3 “(ii) The term ‘children’ means individuals  
4 under age 19 (or such higher age as the State  
5 has elected under section 1902(l)(1)(D)), in-  
6 cluding optional targeted low-income children  
7 described in section 1905(u)(2)(B).”.

8 (c) CHIP.—Section 2107(e)(1) of such Act (42  
9 U.S.C. 1397gg(e)(1)) is amended by redesignating sub-  
10 paragraphs (C) and (D) as subparagraphs (D) and (E),  
11 respectively, and by inserting after subparagraph (B) the  
12 following new subparagraph:

13 “(C) Paragraph (4) of section 1903(v), in-  
14 sofar as it relates to the category of children or  
15 pregnant women (as such terms are defined in  
16 such paragraph), but only if the State has elect-  
17 ed to apply such paragraph with respect to such  
18 category of children or pregnant women under  
19 title XIX and only if, in the case of pregnant  
20 women, the State has elected the option under  
21 section 2111 to provide assistance for pregnant  
22 women under this title.”.

23 (d) CONFORMING AMENDMENT.—Section 423(d)(1)  
24 of Public Law 104–193 is amended by inserting before  
25 the period the following: “and medical or child health as-

1 sistance furnished under section 1903(v)(4) or  
2 2107(e)(1)(E), respectively, of the Social Security Act”.

3 (e) EFFECTIVE DATE.—The amendments made by  
4 this section take effect on the date of the enactment of  
5 this Act.

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