

112TH CONGRESS
2D SESSION

H. R. 6258

To amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2012

Ms. DEGETTE (for herself, Ms. SCHAKOWSKY, and Ms. CASTOR of Florida) 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 provide medical assistance to uninsured newborns 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 “Start Healthy Act of
5 2012”.

1 **SEC. 2. MEDICAID ASSISTANCE FOR UNINSURED**
2 **NEWBORNS.**

3 (a) MANDATORY COVERAGE OF CERTAIN
4 NEWBORNS.—Section 1902(a)(10)(A)(i) of the Social Se-
5 curity Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

6 (1) by striking “or” at the end of subclause
7 (VIII);

8 (2) by adding “or” at the end of subclause
9 (IX); and

10 (3) by adding at the end the following:

11 “(X) who are qualified newborns
12 (as defined in subsection
13 (e)(16)(A));”.

14 (b) DEEMED ELIGIBILITY FOR NEWBORNS.—Section
15 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended by
16 adding at the end the following:

17 “(16) DEEMED ELIGIBILITY FOR QUALIFIED
18 NEWBORNS.—

19 “(A) QUALIFIED NEWBORN DEFINED.—
20 For purposes of this section, the term ‘qualified
21 newborn’ means a child who—

22 “(i) is born in the United States;

23 “(ii) is under 1 year of age;

24 “(iii) is not a child who is deemed eli-
25 gible under paragraph (4); and

26 “(iv) for periods—

1 “(I) before January 1, 2014, is
2 not eligible for creditable coverage
3 under section 2701(c) of the Public
4 Health Service Act (42 U.S.C.
5 300gg(c)), as in effect before January
6 1, 2014, but applied without regard to
7 subparagraphs (D) and (F) of para-
8 graph (1) of such section; or

9 “(II) on or after such date, is not
10 eligible for minimum essential cov-
11 erage, as defined in section
12 5000A(f)(1) of the Internal Revenue
13 Code of 1986, but applied without re-
14 gard to subparagraph (A)(ii) of such
15 section.

16 “(B) DEEMED ELIGIBILITY.—Subject to
17 subparagraph (C), a child that a State reason-
18 ably believes is a qualified newborn (and thus
19 eligible for medical assistance under subsection
20 (a)(10)(A)(i)(X)) on the date of such child’s
21 birth shall be deemed to have applied for med-
22 ical assistance and to have been found eligible
23 for such assistance under such plan on the date
24 of such birth and to remain eligible for such as-
25 sistance until such child is one year of age, un-

1 less a State determines that a child is not eligi-
2 ble for such medical assistance through a rede-
3 termination under subparagraph (D).

4 “(C) EXCEPTION FOR OTHER COV-
5 ERAGE.—

6 “(i) IN GENERAL.—If, during the pe-
7 riod of eligibility under subparagraph (A),
8 the State determines that the child is en-
9 rolled in a type of coverage described in
10 subparagraph (A)(iv), the State may ter-
11minate medical assistance for such child
12under subsection (a)(10)(A)(i)(X).

13 “(ii) LIMITATION.—A State that de-
14termines that a child is eligible for such
15coverage, but not enrolled in such cov-
16erage, may not terminate such medical as-
17sistance for such child until such child is
18enrolled in such coverage.

19 “(D) REDETERMINATIONS OF ELIGI-
20 BILITY.—

21 “(i) IN GENERAL.—Subject to clause
22(ii) and subparagraph (C)(ii), the State
23shall redetermine a child’s eligibility for
24medical assistance under subsection

1 (a)(10)(A)(i)(X) not later than 180 days
2 after the date of the child's birth.

3 “(ii) LIMITATION.—If an application
4 is required for a redetermination under
5 clause (i), and such application is not re-
6 ceived by the State, and the State reason-
7 ably believes that the child for which such
8 application was required continues to be a
9 qualified newborn, the State may not dis-
10 continue such child's eligibility for medical
11 assistance under subsection
12 (a)(10)(A)(i)(X) on the basis of such miss-
13 ing application.

14 “(iii) REDUCED FMAP FOR FAILURE
15 TO DO TIMELY DETERMINATION.—The in-
16 creased Federal medical assistance per-
17 centage provided under the third sentence
18 of section 1905(b) with respect to individ-
19 uals eligible for medical assistance under
20 section 1902(a)(10)(A)(i)(X) shall not
21 apply with respect to a child, beginning
22 180 days after the date of the child's birth,
23 for whom a determination is not made on
24 a timely basis under clause (i), unless the

1 limitation under clause (ii) applies to such
2 child.”.

3 (c) 100 PERCENT MATCHING RATE FOR TEMPORARY
4 COVERAGE OF CERTAIN NEWBORNS.—

5 (1) IN GENERAL.—The third sentence of sec-
6 tion 1905(b) of such Act (42 U.S.C. 1396d(b)) is
7 amended by inserting before the period at the end
8 the following: “and, subject to section
9 1902(e)(16)(E)(iii), for medical assistance for indi-
10 viduals in one of the 50 States or the District of Co-
11 lumbia eligible for such assistance under section
12 1902(a)(10)(A)(i)(X)”.

13 (2) APPLICATION TO TERRITORIES.—Section
14 1108(g)(4) of such Act (42 U.S.C. 1308(g)(4)) is
15 amended by adding at the end the following: “Pay-
16 ment for medical assistance for an individual eligible
17 for assistance under section 1902(a)(10)(A)(i)(X)
18 shall not be taken into account in applying sub-
19 section (f) (as increased in accordance with para-
20 graphs (1), (2), (3), and (4) of this subsection).”

21 (d) CONFORMING AMENDMENT.—Section 1903(f)(4)
22 of such Act (42 U.S.C. 1396b(f)(4)) is amended by insert-
23 ing “1902(a)(10)(A)(i)(X),” after
24 “1902(a)(10)(A)(i)(VIII),”.

1 (e) TECHNICAL AMENDMENTS.—Section 1902(e) of
2 such Act (42 U.S.C. 1396a(e)) is amended by redesignig-
3 nating the paragraph (14) relating to exclusion of com-
4 pensation for participation in a clinical trial for testing
5 of treatments for a rare disease or condition, as added
6 by section 3 of the Improving Access to Clinical Trials
7 Act of 2009, as paragraph (15). Such redesignation shall
8 not be construed to affect the application of section (3)(e)
9 of the Improving Access to Clinical Trials Act of 2009
10 to such paragraph.

11 (f) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
13 this section shall apply to individuals born on or
14 after the day that is 6 months after the date of the
15 enactment of this Act.

16 (2) DELAY PERMITTED FOR STATE PLAN
17 AMENDMENT.—In the case of a State plan for med-
18 ical assistance under title XIX of the Social Security
19 Act which the Secretary of Health and Human Serv-
20 ices determines requires State legislation (other than
21 legislation appropriating funds) in order for the plan
22 to meet the additional requirements imposed by the
23 amendments made by this section, the State plan
24 shall not be regarded as failing to comply with the
25 requirements of such title solely on the basis of its

1 failure to meet these additional requirements before
2 the first day of the first calendar quarter beginning
3 after the close of the first regular session of the
4 State legislature that begins after the date of enact-
5 ment of this Act. For purposes of the previous sen-
6 tence, in the case of a State that has a 2-year legis-
7 lative session, each year of such session shall be
8 deemed to be a separate regular session of the State
9 legislature.

○