

113TH CONGRESS
1ST SESSION

H. R. 3596

To amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Ms. DEGETTE 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, 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 “Start Healthy Act of
5 2013”.

6 **SEC. 2. MEDICAID ASSISTANCE FOR UNINSURED**
7 **NEWBORNS.**

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

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

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

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

6 “(X) who are qualified newborns
7 (as defined in subsection
8 (e)(16)(A));”.

9 (b) DEEMED ELIGIBILITY FOR NEWBORNS.—Section
10 1902(e) of the Social Security Act (42 U.S.C. 1396a(e))
11 is amended by adding at the end the following:

12 “(16) DEEMED ELIGIBILITY FOR QUALIFIED
13 NEWBORNS.—

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

17 “(i) is born in the United States on or
18 after the date that is 6 months after the
19 date of the enactment of this paragraph;

20 “(ii) is under 1 year of age;

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

23 “(iv) is not eligible for minimum es-
24 sential coverage, as defined in section
25 5000A(f)(1) of the Internal Revenue Code

1 of 1986, but applied without regard to cov-
2 erage provided under subsection
3 (a)(10)(A)(i)(X).

4 “(B) DEEMED ELIGIBILITY.—Subject to
5 subparagraph (C), a child that a State reason-
6 ably believes is a qualified newborn (and thus
7 eligible for medical assistance under subsection
8 (a)(10)(A)(i)(X)) on the date of such child’s
9 birth shall be deemed to have applied for med-
10 ical assistance and to have been found eligible
11 for such assistance under such plan on the date
12 of such birth and to remain eligible for such as-
13 sistance until such child is one year of age, un-
14 less a State determines that a child is not eligi-
15 ble for such medical assistance through a rede-
16 termination under subparagraph (D).

17 “(C) EXCEPTION FOR OTHER COV-
18 ERAGE.—

19 “(i) IN GENERAL.—If, during the pe-
20 riod of eligibility under subparagraph (A),
21 the State determines that the child is en-
22 rolled in a type of coverage described in
23 subparagraph (A)(iv), the State may ter-
24 minate medical assistance for such child
25 under subsection (a)(10)(A)(i)(X).

1 “(ii) LIMITATION.—A State that de-
2 termines that a child is eligible for such
3 coverage, but not enrolled in such cov-
4 erage, may not terminate such medical as-
5 sistance for such child until such child is
6 enrolled in such coverage.

7 “(D) REDETERMINATIONS OF ELIGI-
8 BILITY.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii) and subparagraph (C)(ii), the State
11 shall redetermine a child’s eligibility for
12 medical assistance under subsection
13 (a)(10)(A)(i)(X) not later than 180 days
14 after the date of the child’s birth.

15 “(ii) LIMITATION.—If an application
16 is required for a redetermination under
17 clause (i), and such application is not re-
18 ceived by the State, and the State reason-
19 ably believes that the child for which such
20 application was required continues to be a
21 qualified newborn, the State may not dis-
22 continue such child’s eligibility for medical
23 assistance under subsection
24 (a)(10)(A)(i)(X) on the basis of such miss-
25 ing application.

1 “(iii) REDUCED FMAP FOR FAILURE
2 TO DO TIMELY DETERMINATION.—The in-
3 creased Federal medical assistance per-
4 centage provided under the third sentence
5 of section 1905(b) with respect to individ-
6 uals eligible for medical assistance under
7 section 1902(a)(10)(A)(i)(X) shall not
8 apply with respect to a child, beginning
9 180 days after the date of the child’s birth,
10 for whom a determination is not made on
11 a timely basis under clause (i), unless the
12 limitation under clause (ii) applies to such
13 child.”.

14 (c) 100 PERCENT MATCHING RATE FOR TEMPORARY
15 COVERAGE OF CERTAIN NEWBORNS.—

16 (1) IN GENERAL.—The third sentence of sec-
17 tion 1905(b) of the Social Security Act (42 U.S.C.
18 1396d(b)) is amended by inserting before the period
19 at the end the following: “and, subject to section
20 1902(e)(16)(D)(iii), for medical assistance for indi-
21 viduals in one of the 50 States or the District of Co-
22 lumbia eligible for such assistance under section
23 1902(a)(10)(A)(i)(X)”.

1 (2) APPLICATION TO TERRITORIES.—Section
2 1108(g)(4) of the Social Security Act (42 U.S.C.
3 1308(g)(4)) is amended—

4 (A) by striking “and (4)” and inserting
5 “and (5)”; and

6 (B) by adding at the end the following:
7 “Payment for medical assistance for an indi-
8 vidual eligible for assistance under section
9 1902(a)(10)(A)(i)(X) shall not be taken into ac-
10 count in applying subsection (f) (as increased in
11 accordance with paragraphs (1), (2), (3), and
12 (5) of this subsection).”

13 (d) CONFORMING AMENDMENT.—Section 1903(f)(4)
14 of the Social Security Act (42 U.S.C. 1396b(f)(4)) is
15 amended by inserting “1902(a)(10)(A)(i)(X),” after
16 “1902(a)(10)(A)(i)(VIII),”.

17 (e) TECHNICAL AMENDMENTS.—Section 1902(e) of
18 the Social Security Act (42 U.S.C. 1396a(e)) is amended
19 by redesignating the paragraph (14) relating to exclusion
20 of compensation for participation in a clinical trial for
21 testing of treatments for a rare disease or condition, as
22 added by section 3 of the Improving Access to Clinical
23 Trials Act of 2009 (Public Law 111–255), as paragraph
24 (15). Such redesignation shall not be construed to affect

1 the application of section 3(e) of the Improving Access to
2 Clinical Trials Act of 2009 to such paragraph.

3 (f) DELAY IN IMPLEMENTATION PERMITTED FOR
4 STATE PLAN AMENDMENT.—In the case of a State plan
5 for medical assistance under title XIX of the Social Secu-
6 rity Act which the Secretary of Health and Human Serv-
7 ices determines requires State legislation (other than legis-
8 lation appropriating funds) in order for the plan to meet
9 the additional requirements imposed by the amendments
10 made by this section, the State plan shall not be regarded
11 as failing to comply with the requirements of such title
12 solely on the basis of its failure to meet these additional
13 requirements before the first day of the first calendar
14 quarter beginning after the close of the first regular ses-
15 sion of the State legislature that begins after the date of
16 enactment of this Act. For purposes of the previous sen-
17 tence, in the case of a State that has a 2-year legislative
18 session, each year of such session shall be deemed to be
19 a separate regular session of the State legislature.

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