

114TH CONGRESS
2D SESSION

H. R. 5717

To amend title XIX of the Social Security Act to improve collection of Medicaid data and to expand coverage of tobacco cessation services to mothers of newborns.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2016

Mr. LANCE 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 improve collection of Medicaid data and to expand coverage of tobacco cessation services to mothers of newborns.

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 “Medicaid Data and
5 Benefit Improvement Act of 2016”.

6 **SEC. 2. IMPROVING MEDICAID DATA.**

7 Section 1903(d) of the Social Security Act (42 U.S.C.
8 1396b(d)) is amended by adding at the end the following
9 new paragraph:

1 “(7)(A) In each CMS–64 or other quarterly expense
2 report required to be submitted (for each quarter begin-
3 ning on or after the date that is 2 years after the date
4 that the form for such reports is revised, and guidance
5 is issued, under subparagraph (B)) by a State for pur-
6 poses of reconciling amounts paid to such State based on
7 estimates under this subsection with amounts to be paid
8 under subsection (a), such State shall include data on ex-
9 penditures for medical assistance within each category of
10 service disaggregated by each category of individuals (as
11 specified by the Secretary in accordance with subpara-
12 graph (C)) used in determining the eligibility of individ-
13 uals for medical assistance under the State plan or under
14 a waiver of the plan.

15 “(B) Not later than 12 months after the date of the
16 enactment of this paragraph, the Secretary shall revise the
17 form for the CMS–64, or such other quarterly expense re-
18 port, and issue necessary guidance for the use of such re-
19 vised form, to enable States to comply with the require-
20 ment under subparagraph (A).

21 “(C) In specifying eligibility categories for purposes
22 of subparagraph (A), the Secretary shall include as a sepa-
23 rate eligibility category each of the following:

24 “(i) Pregnant women.

1 “(ii) With respect to individuals described in
 2 section 1902(a)(10)(A)(i)(VIII), each of the fol-
 3 lowing categories of such individuals:

4 “(I) Newly eligible individuals (as defined
 5 in section 1905(y)(2)(A)) for whom the Federal
 6 medical assistance percentage for amounts ex-
 7 pended for medical assistance is specified under
 8 section 1905(y)(1).

9 “(II) Individuals described in subpara-
 10 graph (A) of section 1905(z)(2) for whom the
 11 Federal medical assistance percentage is speci-
 12 fied under such section.

13 “(III) Individuals who are not described in
 14 subclause (I) or (II).

15 “(iii) Each of the populations, not otherwise de-
 16 scribed in clause (i) or (ii), by which a report under
 17 section 1902(a)(75)(A) is disaggregated.”.

18 **SEC. 3. MEDICAID COVERAGE OF TOBACCO CESSATION**

19 **SERVICES FOR MOTHERS OF NEWBORNS.**

20 (a) IN GENERAL.—Section 1905(bb) of the Social Se-
 21 curity Act (42 U.S.C. 1396d(bb)) is amended by adding
 22 at the end the following new paragraph:

23 “(4) A woman shall continue to be treated as de-
 24 scribed in this subsection as a pregnant woman through

1 the end of the 1-year period beginning on the date of the
2 birth of a child of the woman.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Subsections (a)(2)(B) and (b)(2)(B) of sec-
5 tion 1916 of the Social Security Act (42 U.S.C.
6 1396o) are each amended by inserting “(and women
7 described in section 1905(bb) as pregnant women
8 pursuant to paragraph (4) of such section)” after
9 “tobacco cessation by pregnant women”.

10 (2) Section 1927(d)(2)(F) of the Social Secu-
11 rity Act (42 U.S.C. 1396r–8(d)(2)(F)) is amended
12 by inserting “(and women described in section
13 1905(bb) as pregnant women pursuant to paragraph
14 (4) of such section)” after “pregnant women”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the amendments made by this section shall apply
18 with respect to items and services furnished on or
19 after the date that is one year after the date of the
20 enactment of this Act.

21 (2) EXCEPTION FOR STATE LEGISLATION.—In
22 the case of a State plan under title XIX of the So-
23 cial Security Act, which the Secretary of Health and
24 Human Services determines requires State legisla-
25 tion in order for the plan to meet any requirement

1 imposed by amendments made by this section, the
2 plan shall not be regarded as failing to comply with
3 the requirements of such title solely on the basis of
4 its failure to meet such an additional requirement
5 before the first day of the first calendar quarter be-
6 ginning after the close of the first regular session of
7 the State legislature that begins after the effective
8 date specified in paragraph (1). For purposes of the
9 previous sentence, in the case of a State that has a
10 2-year legislative session, each year of the session
11 shall be considered to be a separate regular session
12 of the State legislature.

13 (d) REPORT.—Not later than two years after the date
14 of the enactment of this Act, the Inspector General of the
15 Department of Health and Human Services shall submit
16 to Congress a report that assesses the use of the tobacco
17 cessation service benefit under the Medicaid program, in-
18 cluding under the amendments made by this section. Such
19 report shall include an assessment of—

20 (1) the extent that States are encouraging the
21 use of such benefit, such as through promotion of
22 beneficiary and provider awareness of such benefit;
23 and

24 (2) gaps in the delivery of such benefit.

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