

116TH CONGRESS
2D SESSION

H. R. 6244

To amend titles XVIII and XIX to provide for coverage at no cost sharing of COVID–19 testing under the Medicaid program and Children’s Health Insurance Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Ms. KELLY of Illinois (for herself, Ms. SEWELL of Alabama, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend titles XVIII and XIX to provide for coverage at no cost sharing of COVID–19 testing under the Medicaid program and Children’s Health Insurance 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. COVERAGE AT NO COST SHARING OF COVID–19**

4 **TESTING UNDER MEDICAID AND CHIP.**

5 (a) MEDICAID.—

6 (1) IN GENERAL.—Section 1905(a)(3) of the
7 Social Security Act (42 U.S.C. 1396d(a)(3)) is
8 amended—

1 (A) by striking “other laboratory” and in-
2 serting “(A) other laboratory”;

3 (B) by inserting “and” after the semicolon;
4 and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(B) in vitro diagnostic products (as defined in
8 section 809.3(a) of title 21, Code of Federal Regula-
9 tions) administered during any portion of the emer-
10 gency period defined in paragraph (1)(B) of section
11 1135(g) beginning on or after the date of the enact-
12 ment of this subparagraph for the detection of
13 SARS-CoV-2 or the diagnosis of the virus that
14 causes COVID-19 that are approved, cleared, or au-
15 thorized under section 510(k), 513, 515, or 564 of
16 the Federal Food, Drug, and Cosmetic Act, and the
17 administration of such in vitro diagnostic products;”.

18 (2) NO COST SHARING.—

19 (A) IN GENERAL.—Subsections (a)(2) and
20 (b)(2) of section 1916 of the Social Security
21 Act (42 U.S.C. 1396o) are each amended—

22 (i) in subparagraph (D), by striking
23 “or” at the end;

24 (ii) in subparagraph (E), by striking
25 “; and” and inserting a comma; and

1 (iii) by adding at the end the fol-
2 lowing new subparagraphs:

3 “(F) any in vitro diagnostic product de-
4 scribed in section 1905(a)(3)(B) that is admin-
5 istered during any portion of the emergency pe-
6 riod described in such section beginning on or
7 after the date of the enactment of this subpara-
8 graph (and the administration of such product),
9 or

10 “(G) any medical visit for which payment
11 may be made under the State plan, that is fur-
12 nished during any such portion of such emer-
13 gency period, and that relates to testing for
14 COVID–19; and”.

15 (B) APPLICATION TO ALTERNATIVE COST
16 SHARING.—Section 1916A(b)(3)(B) of the So-
17 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
18 is amended by adding at the end the following
19 new clause:

20 “(xi) Any in vitro diagnostic product
21 described in section 1905(a)(3)(B) that is
22 administered during any portion of the
23 emergency period described in such section
24 beginning on or after the date of the enact-
25 ment of this clause (and the administration

1 of such product) and any visit described in
 2 section 1916(a)(2)(G) that is furnished
 3 during any such portion.”.

4 (C) CLARIFICATION.—The amendments
 5 made this paragraph shall apply with respect to
 6 a State plan of a territory in the same manner
 7 as a State plan of one of the 50 States.

8 (3) STATE OPTION TO PROVIDE COVERAGE FOR
 9 UNINSURED INDIVIDUALS.—

10 (A) IN GENERAL.—Section 1902(a)(10) of
 11 the Social Security Act (42 U.S.C.
 12 1396a(a)(10)) is amended—

13 (i) in subparagraph (A)(ii)—

14 (I) in subclause (XXI), by strik-
 15 ing “or” at the end;

16 (II) in subclause (XXII), by add-
 17 ing “or” at the end; and

18 (III) by adding at the end the
 19 following new subclause:

20 “(XXIII) during any portion of
 21 the emergency period defined in para-
 22 graph (1)(B) of section 1135(g) be-
 23 ginning on or after the date of the en-
 24 actment of this subclause, who are un-

1 insured individuals (as defined in sub-
2 section (ss));” and

3 (ii) in the matter following subpara-
4 graph (G)—

5 (I) by striking “and (XVII)” and
6 inserting “, (XVII)”; and

7 (II) by inserting after “instead of
8 through subclause (VIII)” the fol-
9 lowing: “, and (XVIII) the medical as-
10 sistance made available to an unin-
11 sured individual (as defined in sub-
12 section (ss)) who is eligible for med-
13 ical assistance only because of sub-
14 paragraph (A)(ii)(XXIII) shall be lim-
15 ited to medical assistance for any in
16 vitro diagnostic product described in
17 section 1905(a)(3)(B) that is adminis-
18 tered during any portion of the emer-
19 gency period described in such section
20 beginning on or after the date of the
21 enactment of this subclause (and the
22 administration of such product) and
23 any visit described in section
24 1916(a)(2)(G) that is furnished dur-
25 ing any such portion”.

1 (B) RECEIPT AND INITIAL PROCESSING OF
2 APPLICATIONS AT CERTAIN LOCATIONS.—Sec-
3 tion 1902(a)(55) of the Social Security Act (42
4 U.S.C. 1396a(a)(55)) is amended, in the matter
5 preceding subparagraph (A), by striking “or
6 (a)(10)(A)(ii)(IX)” and inserting
7 “(a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XXIII)”.

8 (C) UNINSURED INDIVIDUAL DEFINED.—
9 Section 1902 of the Social Security Act (42
10 U.S.C. 1396a) is amended by adding at the end
11 the following new subsection:

12 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
13 poses of this section, the term ‘uninsured individual’
14 means, notwithstanding any other provision of this title,
15 any individual who is—

16 “(1) not described in subsection (a)(10)(A)(i);
17 and

18 “(2) not enrolled in a Federal health care pro-
19 gram (as defined in section 1128B(f)), a group
20 health plan, group or individual health insurance
21 coverage offered by a health insurance issuer (as
22 such terms are defined in section 2791 of the Public
23 Health Service Act), or a health plan offered under
24 chapter 89 of title 5, United States Code.”.

1 (D) FEDERAL MEDICAL ASSISTANCE PER-
2 CENTAGE.—Section 1905(b) of the Social Secu-
3 rity Act (42 U.S.C. 1396d(b)) is amended by
4 adding at the end the following new sentence:
5 “Notwithstanding the first sentence of this sec-
6 tion, the Federal medical assistance percentage
7 shall be 100 per centum with respect to (and,
8 notwithstanding any other provision of this
9 title, available for) medical assistance provided
10 to uninsured individuals (as defined in section
11 1902(ss)) who are eligible for such assistance
12 only on the basis of section
13 1902(a)(10)(A)(ii)(XXIII) and with respect to
14 expenditures described in section 1903(a)(7)
15 that a State demonstrates to the satisfaction of
16 the Secretary are attributable to administrative
17 costs related to providing for such medical as-
18 sistance to such individuals under the State
19 plan.”.

20 (b) CHIP.—

21 (1) IN GENERAL.—Section 2103(c) of the So-
22 cial Security Act (42 U.S.C. 1397cc(c)) is amended
23 by adding at the end the following paragraph:

24 “(9) CERTAIN IN VITRO DIAGNOSTIC PRODUCTS
25 FOR COVID-19 TESTING.—The child health assist-

1 ance provided to a targeted low-income child shall
 2 include coverage of any in vitro diagnostic product
 3 described in section 1905(a)(3)(B) that is adminis-
 4 tered during any portion of the emergency period de-
 5 scribed in such section beginning on or after the
 6 date of the enactment of this subparagraph (and the
 7 administration of such product).”.

8 (2) COVERAGE FOR TARGETED LOW-INCOME
 9 PREGNANT WOMEN.—Section 2112(b)(4) of the So-
 10 cial Security Act (42 U.S.C. 1397ll(b)(4)) is amend-
 11 ed by inserting “under section 2103(c)” after “same
 12 requirements”.

13 (3) PROHIBITION OF COST SHARING.—Section
 14 2103(e)(2) of the Social Security Act (42 U.S.C.
 15 1397cc(e)(2)) is amended—

16 (A) in the paragraph header, by inserting
 17 “, COVID–19 TESTING,” before “OR PREGNANCY-
 18 RELATED ASSISTANCE”; and

19 (B) by striking “category of services de-
 20 scribed in subsection (c)(1)(D) or” and insert-
 21 ing “categories of services described in sub-
 22 section (c)(1)(D), in vitro diagnostic products
 23 described in subsection (c)(9) (and administra-

- 1 tion of such products), visits described in sec-
- 2 tion 1916(a)(2)(G), or”.

