AMENDMENT OFFERED BY MS. DEGETTE TO THE CHILD HEALTH RECONCILIATION PROVISIONS

(Page & line nos. refer to Committee Print of 6/11/97, KIDCARE.006)

Add at the end the following new section:

1

2 SEC. 3504. MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-
3 INCOME CHILDREN.

4 (a) IN GENERAL.—Title XIX of the Social Security
5 Act is amended by inserting after section 1920 the follow-
6 ing new section:

7 "PRESUMPTIVE ELIGIBILITY FOR CHILDREN

8 "SEC. 1920A. (a) A State plan approved under sec-
9 tion 1902 may provide for making medical assistance with
10 respect to health care items and services covered under
11 the State plan available to a child during a presumptive
12 eligibility period.

13 "(b) For purposes of this section:

14 "(1) The term 'child' means an individual
15 under 19 years of age.

16 "(2) The term 'presumptive eligibility period'
17 means, with respect to a child, the period that—

18 "(A) begins with the date on which a
19 qualified entity determines, on the basis of pre-

1 liminary information, that the family income of
2 the child does not exceed the applicable income
3 level of eligibility under the State plan, and
4 "(B) ends with (and includes) the earlier
5 of—
6 "(i) the day on which a determination
7 is made with respect to the eligibility of
8 the child for medical assistance under the
9 State plan, or
10 "(ii) in the case of a child on whose
11 behalf an application is not filed by the
12 last day of the month following the month
13 during which the entity makes the deter-
14 mination referred to in subparagraph (A),
15 such last day.
16 "(3)(A) Subject to subparagraph (B), the term
17 'qualified entity' means any entity that—
18 "(i)(I) is eligible for payments under a
19 State plan approved under this title and pro-
20 vides items and services described in subsection
21 (a) or (II) is authorized to determine eligibility
22 of a child to participate in a Head Start pro-
23 gram under the Head Start Act (42 U.S.C.
24 9821 et seq.), eligibility of a child to receive
25 child care services for which financial assistance

1 is provided under the Child Care and Develop-
2 ment Block Grant Act of 1990 (42 U.S.C. 9858
3 et seq.), eligibility of an infant or child to re-
4 ceive assistance under the special supplemental
5 nutrition program for women, infants, and chil-
6 dren (WIC) under section 17 of the Child Nu-
7 trition Act of 1966 (42 U.S.C. 1786); and
8 "(ii) is determined by the State agency to
9 be capable of making determinations of the type
10 described in paragraph (1)(A).
11 "(B) The Secretary may issue regulations fur-
12 ther limiting those entities that may become quali-
13 fied entities in order to prevent fraud and abuse and
14 for other reasons.
15 "(C) Nothing in this section shall be construed
16 as preventing a State from limiting the classes of en-
17 tities that may become qualified entities, consistent
18 with any limitations imposed under subparagraph
19 (B).
20 "(c)(1) The State agency shall provide qualified enti-
21 ties with—
22 "(A) such forms as are necessary for an appli-
23 cation to be made on behalf of a child for medical
24 assistance under the State plan, and

1 "(B) information on how to assist parents,
2 guardians, and other persons in completing and fil-
3 ing such forms.
4 "(2) A qualified entity that determines under sub-
5 section (b)(1)(A) that a child is presumptively eligible for
6 medical assistance under a State plan shall—
7 "(A) notify the State agency of the determina-
8 tion within 5 working days after the date on which
9 determination is made, and
10 "(B) inform the parent or custodian of the
11 child at the time the determination is made that an
12 application for medical assistance under the State
13 plan is required to be made by not later than the
14 last day of the month following the month during
15 which the determination is made.
16 "(3) In the case of a child who is determined by a
17 qualified entity to be presumptively eligible for medical as-
18 sistance under a State plan, the parent, guardian, or other
19 person shall make application on behalf of the child for
20 medical assistance under such plan by not later than the
21 last day of the month following the month during which
22 the determination is made, which application may be the
23 application used for the receipt of medical assistance by
24 individuals described in section 1902(l)(1).

1 "(d) Notwithstanding any other provision of this title,
2 medical assistance for items and services described in sub-
3 section (a) that—
4 "(1) are furnished to a child—
5 "(A) during a presumptive eligibility pe-
6 riod,
7 "(B) by a entity that is eligible for pay-
8 ments under the State plan; and
9 "(2) are included in the care and services cov-
10 ered by a State plan;
11 shall be treated as medical assistance provided by such
12 plan for purposes of section 1903.".
13 (b) CONFORMING AMENDMENTS.—(1) Section
14 1902(a)(47) of such Act (42 U.S.C. 1396a(a)(47)) is
15 amended by inserting before the semicolon at the end the
16 following: "and provide for making medical assistance for
17 items and services described in subsection (a) of section
18 1920A available to children during a presumptive eligi-
19 bility period in accordance with such section".
20 (2) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C.
21 1396b(u)(1)(D)(v)) of such Act is amended by inserting
22 before the period at the end the following: "or for items
23 and services described in subsection (a) of section 1920A
24 provided to a child during a presumptive eligibility period
25 under such section".

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

Page 7, line 27, strike "paragraph (4)" and insert "paragraphs (4) and (5)".

Page 9, line 1, strike "In" and insert "Subject to paragraph (5), in".

Page 9, after line 12, insert the following:

4 "(5) OFFSET FOR EXPENDITURES UNDER MED-
5 ICAID PRESUMPTIVE ELIGIBILITY.—The amount of
6 the allotment otherwise provided to a State under
7 this subsection for a fiscal year shall be reduced by
8 the amount of the payments made to the State
9 under section 1903(a) for calendar quarters during
10 such fiscal year that are attributable to provision of
11 medical assistance to a child during a presumptive
12 eligibility period under section 1920A.