

106TH CONGRESS  
1ST SESSION

# S. 662

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 1999

Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, Mr. KERREY, Mr. COLLINS, Mr. CONRAD, Mr. BAYH, Mr. INOUE, Mr. TORRICELLI, Mr. REED, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN**  
2 **BREAST OR CERVICAL CANCER PATIENTS.**

3 (a) COVERAGE AS OPTIONAL CATEGORICALLY  
4 NEEDY GROUP.—

5 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)  
6 of the Social Security Act (42 U.S.C.  
7 1396a(a)(10)(A)(ii)) is amended—

8 (A) in subclause (XIII), by striking “or”  
9 at the end;

10 (B) in subclause (XIV), by adding “or” at  
11 the end; and

12 (C) by adding at the end the following:

13 “(XV) who are described in sub-  
14 section (aa) (relating to certain breast  
15 or cervical cancer patients);”.

16 (2) GROUP DESCRIBED.—Section 1902 of the  
17 Social Security Act (42 U.S.C. 1396a) is amended  
18 by adding at the end the following:

19 “(aa) Individuals described in this paragraph are in-  
20 dividuals who—

21 “(1) are not described in subsection  
22 (a)(10)(A)(i);

23 “(2) have not attained age 65;

24 “(3) have been screened for breast and cervical  
25 cancer under the Centers for Disease Control and  
26 Prevention breast and cervical cancer early detection

1 program established under title XV of the Public  
2 Health Service Act (42 U.S.C. 300k et seq.) in ac-  
3 cordance with the requirements of section 1504 of  
4 that Act (42 U.S.C. 300n) and need treatment for  
5 breast or cervical cancer; and

6 “(4) are not otherwise covered under creditable  
7 coverage, as defined in section 2701(c) of the Public  
8 Health Service Act (45 U.S.C. 300gg(c)).”.

9 (3) LIMITATION ON BENEFITS.—Section  
10 1902(a)(10) of the Social Security Act (42 U.S.C.  
11 1396a(a)(10)) is amended in the matter following  
12 subparagraph (F)—

13 (A) by striking “and (XIII)” and inserting

14 “(XIII)”; and

15 (B) by inserting “, and (XIV) the medical  
16 assistance made available to an individual de-  
17 scribed in subsection (aa) who is eligible for  
18 medical assistance only because of subpara-  
19 graph (A)(ii)(XV) shall be limited to medical  
20 assistance provided during the period in which  
21 such an individual requires treatment for breast  
22 or cervical cancer” before the semicolon.

23 (4) CONFORMING AMENDMENTS.—Section  
24 1905(a) of the Social Security Act (42 U.S.C.

1 1396d(a)) is amended in the matter preceding para-  
 2 graph (1)—

3 (A) in clause (x), by striking “or” at the  
 4 end;

5 (B) in clause (xi), by adding “or” at the  
 6 end; and

7 (C) by inserting after clause (xi) the fol-  
 8 lowing:

9 “(xii) individuals described in section  
 10 1902(aa),”.

11 (b) PRESUMPTIVE ELIGIBILITY.—

12 (1) IN GENERAL.—Title XIX of the Social Se-  
 13 curity Act (42 U.S.C. 1396 et seq.) is amended by  
 14 inserting after section 1920A the following:

15 “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR  
 16 CERVICAL CANCER PATIENTS

17 “SEC. 1920B. (a) STATE OPTION.—A State plan ap-  
 18 proved under section 1902 may provide for making med-  
 19 ical assistance available to an individual described in sec-  
 20 tion 1902(aa) (relating to certain breast or cervical cancer  
 21 patients) during a presumptive eligibility period.

22 “(b) DEFINITIONS.—For purposes of this section:

23 “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The  
 24 term ‘presumptive eligibility period’ means, with re-  
 25 spect to an individual described in subsection (a),  
 26 the period that—

1           “(A) begins with the date on which a  
2 qualified entity determines, on the basis of pre-  
3 liminary information, that the individual is de-  
4 scribed in section 1902(aa); and

5           “(B) ends with (and includes) the earlier  
6 of—

7           “(i) the day on which a determination  
8 is made with respect to the eligibility of  
9 such individual for services under the State  
10 plan; or

11           “(ii) in the case of such an individual  
12 who does not file an application by the last  
13 day of the month following the month dur-  
14 ing which the entity makes the determina-  
15 tion referred to in subparagraph (A), such  
16 last day.

17           “(2) QUALIFIED ENTITY.—

18           “(A) IN GENERAL.—Subject to subpara-  
19 graph (B), the term ‘qualified entity’ means  
20 any entity that—

21           “(i) is eligible for payments under a  
22 State plan approved under this title; and

23           “(ii) is determined by the State agen-  
24 cy to be capable of making determinations  
25 of the type described in paragraph (1)(A).

1           “(B) REGULATIONS.—The Secretary may  
 2           issue regulations further limiting those entities  
 3           that may become qualified entities in order to  
 4           prevent fraud and abuse and for other reasons.

5           “(C) RULE OF CONSTRUCTION.—Nothing  
 6           in this paragraph shall be construed as pre-  
 7           venting a State from limiting the classes of en-  
 8           tities that may become qualified entities, con-  
 9           sistent with any limitations imposed under sub-  
 10          paragraph (B).

11          “(c) ADMINISTRATION.—

12           “(1) IN GENERAL.—The State agency shall pro-  
 13          vide qualified entities with—

14           “(A) such forms as are necessary for an  
 15          application to be made by an individual de-  
 16          scribed in subsection (a) for medical assistance  
 17          under the State plan; and

18           “(B) information on how to assist such in-  
 19          dividuals in completing and filing such forms.

20          “(2) NOTIFICATION REQUIREMENTS.—A quali-  
 21          fied entity that determines under subsection  
 22          (b)(1)(A) that an individual described in subsection  
 23          (a) is presumptively eligible for medical assistance  
 24          under a State plan shall—

1           “(A) notify the State agency of the deter-  
2           mination within 5 working days after the date  
3           on which determination is made; and

4           “(B) inform such individual at the time  
5           the determination is made that an application  
6           for medical assistance under the State plan is  
7           required to be made by not later than the last  
8           day of the month following the month during  
9           which the determination is made.

10          “(3) APPLICATION FOR MEDICAL ASSIST-  
11          ANCE.—In the case of an individual described in  
12          subsection (a) who is determined by a qualified enti-  
13          ty to be presumptively eligible for medical assistance  
14          under a State plan, the individual shall apply for  
15          medical assistance under such plan by not later than  
16          the last day of the month following the month dur-  
17          ing which the determination is made.

18          “(d) PAYMENT.—Notwithstanding any other provi-  
19          sion of this title, medical assistance that—

20                 “(1) is furnished to an individual described in  
21                 subsection (a)—

22                         “(A) during a presumptive eligibility pe-  
23                         riod;

24                         “(B) by a entity that is eligible for pay-  
25                         ments under the State plan; and

1           “(2) is included in the care and services covered  
2           by the State plan;  
3 shall be treated as medical assistance provided by such  
4 plan for purposes of section 1903(a)(5)(B).”.

5           (2) CONFORMING AMENDMENTS.—

6           (A) Section 1902(a)(47) of the Social Se-  
7           curity Act (42 U.S.C. 1396a(a)(47)) is amend-  
8           ed by inserting before the semicolon at the end  
9           the following: “and provide for making medical  
10          assistance available to individuals described in  
11          subsection (a) of section 1920B during a pre-  
12          sumptive eligibility period in accordance with  
13          such section”.

14          (B) Section 1903(u)(1)(D)(v) of such Act  
15          (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

16                 (i) by striking “or for” and inserting  
17                 “, for”; and

18                 (ii) by inserting before the period the  
19                 following: “, or for medical assistance pro-  
20                 vided to an individual described in sub-  
21                 section (a) of section 1920B during a pre-  
22                 sumptive eligibility period under such sec-  
23                 tion”.

24          (c) ENHANCED MATCH.—Section 1903(a)(5) of the  
25          Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

1 (1) by striking “an” and inserting “(A) an”;

2 (2) by adding “plus” after the semicolon; and

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

4 “(B) an amount equal to 75 percent of the  
5 sums expended during such quarter which are at-  
6 tributable to the offering, arranging, and furnishing  
7 (directly or on a contract basis) of medical assist-  
8 ance to an individual described in section 1902(aa);  
9 plus”.

10 (d) EFFECTIVE DATE.—The amendments made by  
11 this section apply to medical assistance furnished on or  
12 after October 1, 1999, without regard to whether final  
13 regulations to carry out such amendments have been pro-  
14 mulgated by such date.

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