

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3924

To amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2006

Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures.

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. AUTHORITY FOR QUALIFYING STATES TO USE**

4                       **ALL OR ANY PORTION OF THEIR SCHIP AL-**  
5                       **LOTMENTS FOR CERTAIN MEDICAID EXPEND-**  
6                       **ITURES.**

7       (a) IN GENERAL.—Section 2105(g)(1)(A) of the So-  
8       cial Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended

1 by striking “not more than 20 percent of any allotment  
 2 under section 2104 for fiscal year 1998, 1999, 2000,  
 3 2001, 2004, or 2005” and inserting “all or any portion  
 4 of any allotment made to the State under section 2104  
 5 for a fiscal year”.

6 (b) ADDITIONAL REQUIREMENTS.—Section  
 7 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is  
 8 amended—

9 (1) by striking “a State, that, on” and inserting  
 10 “a State that is described in subparagraph (A) and  
 11 satisfies all of the requirements of subparagraph  
 12 (B).

13 “(A) STATE DESCRIBED.—A State de-  
 14 scribed in this subparagraph is a State that,  
 15 on”; and

16 (2) by adding at the end the following:

17 “(B) REQUIREMENTS.—The requirements  
 18 of this subparagraph are the following:

19 “(i) NO REDUCTION IN MEDICAID OR  
 20 SCHIP INCOME ELIGIBILITY.—Since Janu-  
 21 ary 1, 2001, the State has not reduced the  
 22 income, assets, or resource requirements  
 23 for eligibility for medical assistance under  
 24 title XIX or for child health assistance  
 25 under this title.

1           “(ii) NO WAITING LIST IMPOSED.—

2           The State does not impose any numerical  
3           limitation, waiting list, or similar limita-  
4           tion on the eligibility of children for med-  
5           ical assistance under title XIX or child  
6           health assistance under this title and does  
7           not limit the acceptance of applications for  
8           such assistance.

9           “(iii) PROVIDES ASSISTANCE TO ALL

10          CHILDREN WHO APPLY AND QUALIFY.—

11          The State provides medical assistance  
12          under title XIX or child health assistance  
13          under this title to all children in the State  
14          who apply for and meet the eligibility  
15          standards for such assistance.

16          “(iv) PROTECTION AGAINST INABILITY

17          TO PAY PREMIUMS OR COPAYMENTS.—The

18          State ensures that no child loses coverage  
19          under title XIX or this title, or is denied  
20          needed care, as a result of the child’s par-  
21          ents’ inability to pay any premiums or  
22          cost-sharing required under such title.

23          “(v) ADDITIONAL REQUIREMENTS.—

24          The State has implemented at least 3 of  
25          the following policies and procedures (re-

1                   lating to coverage of children under title  
2                   XIX and this title):

3                   “(I) SIMPLIFIED APPLICATION  
4                   FORM.—With respect to children who  
5                   are eligible for medical assistance  
6                   under title XIX, the State uses the  
7                   same simplified application form (in-  
8                   cluding, if applicable, permitting ap-  
9                   plication other than in person) for  
10                  purposes of establishing eligibility for  
11                  assistance under title XIX and this  
12                  title.

13                  “(II) ELIMINATION OF ASSET  
14                  TEST.—The State does not apply any  
15                  asset test for eligibility under title  
16                  XIX or this title with respect to chil-  
17                  dren.

18                  “(III) ADOPTION OF 12-MONTH  
19                  CONTINUOUS ENROLLMENT.—The  
20                  State provides that eligibility shall not  
21                  be regularly redetermined more often  
22                  than once every year under this title  
23                  or for children eligible for medical as-  
24                  sistance under title XIX.

1                   “(IV) SAME VERIFICATION AND  
2                   REDETERMINATION POLICIES; AUTO-  
3                   MATIC REASSESSMENT OF ELIGI-  
4                   BILITY.—With respect to children who  
5                   are eligible for medical assistance  
6                   under section 1902(a)(10)(A), the  
7                   State provides for initial eligibility de-  
8                   terminations and redeterminations of  
9                   eligibility using the same verification  
10                  policies (including with respect to  
11                  face-to-face interviews), forms, and  
12                  frequency as the State uses for such  
13                  purposes under this title, and, as part  
14                  of such redeterminations, provides for  
15                  the automatic reassessment of the eli-  
16                  gibility of such children for assistance  
17                  under title XIX and this title.

18                  “(V) OUTSTATIONING ENROLL-  
19                  MENT STAFF.—The State provides for  
20                  the receipt and initial processing of  
21                  applications for benefits under this  
22                  title and for children under title XIX  
23                  at facilities defined as dispropor-  
24                  tionate share hospitals under section  
25                  1923(a)(1)(A) and Federally-qualified

1 health centers described in section  
2 1905(l)(2)(B) consistent with section  
3 1902(a)(55).”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on October 1, 2006, and shall  
6 apply to expenditures described in section  
7 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C.  
8 1397ee(g)(1)(B)(ii)) that are made after that date.

○