

110TH CONGRESS
1ST SESSION

S. 787

To impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. MARTINEZ introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State 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. MORATORIUM ON IMPLEMENTATION OF PRO-**
4 **POSED RULE RELATING TO THE FEDERAL-**
5 **STATE FINANCIAL PARTNERSHIPS UNDER**
6 **MEDICAID AND SCHIP.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The proposed rule published on January 18,
2 2007, on pages 2236 through 2258 of volume 72,
3 Federal Register (relating to parts 433, 447, and
4 457 of title 42, Code of Federal Regulations) would
5 significantly change the Federal-State financial part-
6 nership under the Medicaid and the State Children’s
7 Health Insurance Programs by—

8 (A) imposing a cost limit on payments
9 made under such programs to governmentally-
10 operated providers;

11 (B) limiting the permissible sources of the
12 non-Federal shares required under such pro-
13 grams and the types of entities permitted to
14 contribute to such shares; and

15 (C) imposing new requirements on partici-
16 pating providers under such programs.

17 (2) More time is needed to determine how the
18 proposed rule would impact States, particularly with
19 respect to those States with Medicaid or State Chil-
20 dren’s Health Insurance Programs that are oper-
21 ating under financing arrangements that have been
22 approved by the Secretary of Health and Human
23 Services through the waiver process established
24 under section 1115 of the Social Security Act and
25 have been properly following the intent and purpose

1 pose for which such funding arrangements were es-
2 tablished.

3 (3) Permitting the proposed rule to take effect
4 without allowing sufficient time for further study of
5 the effect of the implementation of the rule could
6 have a negative impact for States, particularly
7 States with Medicaid or State Children’s Health In-
8 surance Programs operating under financing ar-
9 rangements that would be affected by such rule and
10 that have been approved by the Secretary of Health
11 and Human Services through the section 1115 waiv-
12 er process.

13 (b) MORATORIUM ON IMPLEMENTATION.—Notwith-
14 standing any other provision of law, the proposed rule
15 published on January 18, 2007, on pages 2236 through
16 2258 of volume 72, Federal Register (relating to parts
17 433, 447, and 457 of title 42, Code of Federal Regula-
18 tions), shall not take effect before September 1, 2009.

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