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AMENDMENT TO H.R. **3962**, AS
REPORTED
OFFERED BY MR. DEAL OF GEORGIA
(Amendment to H.R. 3962)

Amend section 1701 to read as follows:

1 SEC. 1701. OPTIONAL ELIGIBILITY FOR INDIVIDUALS WITH
2 INCOME BELOW 150 PERCENT OF THE FED-
3 ERAL POVERTY LEVEL.

4 (a) OPTIONAL ELIGIBILITY FOR NON-TRADITIONAL
5 INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF
6 THE FEDERAL POVERTY LEVEL.—

7 (1) OPTIONAL FULL MEDICAID BENEFITS FOR
8 NON-MEDICARE ELIGIBLE INDIVIDUALS.—Section
9 1902(a)(10)(A)(ii) of the Social Security Act (42
10 U.S.C. 1396b(a)(10)(A)(ii)) is amended—

11 (A) by striking “or” at the end of sub-
12 clause (XVIII);

13 (B) by adding “or” at the end of subclause
14 (XIX); and

15 (C) by adding at the end the following new
16 subclause:

17 “(XX) who are under 65 years of
18 age, who are not described in sub-

1 clause (I) through (VII) of clause (i),
2 who are not entitled to hospital insur-
3 ance benefits under part A of title
4 XVIII, and whose family income (de-
5 termined using methodologies and
6 procedures specified by the Secretary
7 in consultation with the Health
8 Choices Commissioner) does not ex-
9 ceed a percentage (not greater than
10 150 percent) specified by the State of
11 the income official poverty line (as de-
12 fined by the Office of Management
13 and Budget, and revised annually in
14 accordance with section 673(2) of the
15 Omnibus Budget Reconciliation Act of
16 1981) applicable to a family of the
17 size involved;”.

18 (2) MEDICARE COST SHARING ASSISTANCE FOR
19 MEDICARE-ELIGIBLE INDIVIDUALS.—Section
20 1902(a)(10)(E) of such Act (42 U.S.C.
21 1396b(a)(10)(E)) is amended—

22 (A) in clause (iii), by striking “and” at the
23 end;

24 (B) in clause (iv), by adding “and” at the
25 end; and

1 (C) by adding at the end the following new
2 clause:

3 “(v) at the option of a State, for making
4 medical assistance available for medicare cost-
5 sharing described in subparagraphs (B) and (C)
6 of section 1905(p)(3), for individuals under 65
7 years of age who would be qualified medicare
8 beneficiaries described in section 1905(p)(1)
9 but for the fact that their income exceeds the
10 income level established by the State under sec-
11 tion 1905(p)(2) but is less than a percentage
12 (not greater than 150 percent) specified by the
13 State of the official poverty line (referred to in
14 such section) for a family of the size involved;
15 and”.

16 (3) INCREASED FMAP FOR NON-TRADITIONAL
17 FULL MEDICAID ELIGIBLE INDIVIDUALS.—Section
18 1905 of such Act (42 U.S.C. 1396d) is amended—

19 (A) in the first sentence of subsection (b),
20 by striking “and” before “(4)” and by inserting
21 before the period at the end the following: “,
22 and (5) 100 percent (for periods before 2015
23 and 91 percent for periods beginning with
24 2015) with respect to amounts described in
25 subsection (y)”; and

1 (B) by adding at the end the following new
2 subsection:

3 “(y) ADDITIONAL EXPENDITURES SUBJECT TO IN-
4 CREASED FMAP.—For purposes of section 1905(b)(5),
5 the amounts described in this subsection are the following:

6 “(1) Amounts expended for medical assistance
7 for individuals described in subclause (XX) of sec-
8 tion 1902(a)(10)(A)(ii).”

9 (4) CONSTRUCTION.—Nothing in this sub-
10 section shall be construed as not providing for cov-
11 erage under subparagraph (A)(ii)(XX) or (E)(v) of
12 section 1902(a)(10) of the Social Security Act, as
13 added by paragraphs (1) and (2), or an increased
14 FMAP under the amendments made by paragraph
15 (3), for an individual who has been provided medical
16 assistance under title XIX of the Act under a dem-
17 onstration waiver approved under section 1115 of
18 such Act or with State funds.

19 (5) CONFORMING AMENDMENTS.—

20 (A) Section 1903(f)(4) of the Social Secu-
21 rity Act (42 U.S.C. 1396b(f)(4)) is amended—

22 (i) by inserting
23 “1902(a)(10)(A)(ii)(XX),” after
24 “1902(a)(10)(A)(ii)(XIX),”; and

1 (ii) by inserting “1902(a)(10)(E)(v),”
2 before “1905(p)(1)”.

3 (B) Section 1905(a) of such Act (42
4 U.S.C. 1396d(a)), as amended by sections
5 1714(a)(4) and 1731(c), is further amended, in
6 the matter preceding paragraph (1)—

7 (i) by striking “or” at the end of
8 clause (xiv);

9 (ii) by adding “or” at the end of
10 clause (xv); and

11 (iii) by inserting after clause (xv) the
12 following:

13 “(xvi) individuals described in section
14 1902(a)(10)(A)(ii)(XX),”.

15 (b) OPTIONAL ELIGIBILITY FOR TRADITIONAL MED-
16 ICAID ELIGIBLE INDIVIDUALS WITH INCOME NOT EX-
17 CEEDING 150 PERCENT OF THE FEDERAL POVERTY
18 LEVEL.—

19 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)
20 of the Social Security Act (42 U.S.C.
21 1396b(a)(10)(A)(ii)), as amended by subsection (a),
22 is amended—

23 (A) by striking “or” at the end of sub-
24 clause (XIX); and

1 (B) by adding at the end the following new
2 subclauses:

3 “(XXI) who are over 18, and
4 under 65 years of age, who would be
5 eligible for medical assistance under
6 the State plan under clause (i)(I) or
7 section 1931 (based on the income
8 standards, methodologies, and proce-
9 dures in effect as of June 16, 2009)
10 but for income, who are in families
11 whose income does not exceed a per-
12 centage (not greater than 150 per-
13 cent) specified by the State of the in-
14 come official poverty line (as defined
15 by the Office of Management and
16 Budget, and revised annually in ac-
17 cordance with section 673(2) of the
18 Omnibus Budget Reconciliation Act of
19 1981) applicable to a family of the
20 size involved; or

21 “(XXII) beginning with 2014,
22 who are over 5, and under 19, years
23 of age, who would be eligible for med-
24 ical assistance under the State plan
25 under subclause (I) or (VII) of clause

1 (i) (based on the income standards,
2 methodologies, and procedures in ef-
3 fect as of June 16, 2009) but for in-
4 come, who are in families whose in-
5 come does not exceed percentage (not
6 greater than 150 percent) specified by
7 the State of the income official pov-
8 erty line (as defined by the Office of
9 Management and Budget, and revised
10 annually in accordance with section
11 673(2) of the Omnibus Budget Rec-
12 onciliation Act of 1981) applicable to
13 a family of the size involved; or

14 “(XXIII) beginning with 2014,
15 who are under 19 years of age, who
16 are not described in subclause (XXII),
17 and who would be eligible for child
18 health assistance under a State child
19 health plan insofar as such plan pro-
20 vides benefits under this title (as de-
21 scribed in section 2101(a)(2)) based
22 on such plan as in effect as of June
23 16, 2009; or”.

24 (2) INCREASED FMAP FOR CERTAIN TRADI-
25 TIONAL MEDICAID ELIGIBLE INDIVIDUALS.—

1 (A) INCREASED FMAP FOR ADULTS.—Sec-
2 tion 1905(y) of such Act (42 U.S.C. 1396d(y)),
3 as added by subsection (a)(2)(B), is amended
4 by inserting “or (XXI)” after “(XX)”.

5 (B) ENHANCED FMAP FOR CHILDREN.—
6 Section 1905(b)(4) of such Act is amended by
7 inserting “1902(a)(10)(A)(ii)(XXII),
8 1902(a)(10)(A)(ii)(XXIII), or” after “on the
9 basis of section”.

10 (3) CONSTRUCTION.—Nothing in this sub-
11 section shall be construed as not providing for cov-
12 erage under subclause (XXI), (XXII), or (XXIII)
13 of section 1902(a)(10)(A)(ii) of the Social Security
14 Act, as added by paragraph (1), or an increased or
15 enhanced FMAP under the amendments made by
16 paragraph (2), for an individual who has been pro-
17 vided medical assistance under title XIX of the Act
18 under a demonstration waiver approved under sec-
19 tion 1115 of such Act or with State funds.

20 (4) CONFORMING AMENDMENT.—Section
21 1903(f)(4) of the Social Security Act (42 U.S.C.
22 1396b(f)(4)), as amended by subsection (a)(4), is
23 amended by inserting “1902(a)(10)(A)(ii)(XXI),
24 1902(a)(10)(A)(ii)(XXII),

1 1902(a)(10)(A)(ii)(XXIII),” after
2 “1902(a)(10)(A)(ii)(XX),”.

3 (c) INCREASED MATCHING RATE FOR TEMPORARY
4 COVERAGE OF CERTAIN NEWBORNS.—Section 1905(y) of
5 such Act, as added by subsection (a)(3)(B), is amended
6 by adding at the end the following:

7 “(2) Amounts expended for medical assistance
8 for children described in section 305(d)(1) of the Af-
9 fordable Health Care for America Act during the
10 time period specified in such section.”.

11 (d) NETWORK ADEQUACY.—Section 1932(a)(2) of
12 the Social Security Act (42 U.S.C. 1396u-2(a)(2)) is
13 amended by adding at the end the following new subpara-
14 graph:

15 “(D) ENROLLMENT OF NON-TRADITIONAL
16 MEDICAID ELIGIBLES.—A State may not re-
17 quire under paragraph (1) the enrollment in a
18 managed care entity of an individual described
19 in section 1902(a)(10)(A)(ii)(XX) unless the
20 State demonstrates, to the satisfaction of the
21 Secretary, that the entity, through its provider
22 network and other arrangements, has the ca-
23 pacity to meet the health, mental health, and
24 substance abuse needs of such individuals.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the first day of Y1, and
3 shall apply with respect to items and services furnished
4 on or after such date.

Strike section 1703.

