

**AMENDMENT TO H.R. 3325**

**OFFERED BY MR. KENNEDY OF MASSACHUSETTS**

**[Page and line numbers to Committee Print, as forwarded by  
the Subcommittee on Health on September 7, 2018]**

Page 23, after line 19, insert the following:

1 **SEC. 4. STREAMLINED SCREENING AND ENROLLMENT**  
2 **PROCESS FOR ELIGIBLE OUT-OF-STATE MED-**  
3 **ICAID PROVIDERS AND SUPPLIERS.**

4 (a) IN GENERAL.—Section 1902(kk) of the Social Se-  
5 curity Act (42 U.S.C. 1396a(kk)) is amended by adding  
6 at the end the following new paragraph:

7 “(10) STREAMLINED SCREENING AND ENROLL-  
8 MENT PROCESS FOR ELIGIBLE OUT-OF-STATE PRO-  
9 VIDERS AND SUPPLIERS.—

10 “(A) IN GENERAL.—Subject to subsection  
11 (a)(65), the State adopts a streamlined screen-  
12 ing and enrollment process for eligible out-of-  
13 State providers and suppliers.

14 “(B) STREAMLINED SCREENING AND EN-  
15 ROLLMENT PROCESS.—For purposes of sub-  
16 paragraph (A), the term ‘streamlined screening  
17 and enrollment process’ means a process that  
18 enables an eligible out-of-State provider or sup-

1 plier to enroll as a provider or supplier in the  
2 State plan on a simplified and streamlined basis  
3 in accordance with the requirements of sub-  
4 paragraph (D).

5 “(C) ELIGIBLE OUT-OF-STATE PROVIDER  
6 OR SUPPLIER.—For purposes of subparagraph  
7 (A), the term ‘eligible out-of-State provider or  
8 supplier’ means a provider or supplier of med-  
9 ical or other items or services furnished to a  
10 child for which payment is available under the  
11 State plan under this title that is located in an-  
12 other State and with respect to which the Sec-  
13 retary has determined there is a limited risk of  
14 fraud, waste, or abuse for purposes of deter-  
15 mining the level of screening to be conducted  
16 under section 1866(j)(2)(B).

17 “(D) REQUIREMENTS.—For purposes of  
18 subparagraph (B), the requirements of this sub-  
19 paragraph are the following:

20 “(i) An eligible out-of-State provider  
21 or supplier that elects to be and is enrolled  
22 in the program established under this title  
23 in accordance with the process established  
24 by the Secretary under section 4(b) of the  
25 ACE Kids Act is enrolled in the State plan

1 under this title without being subject to  
2 any additional screening and enrollment  
3 activities required by the State.

4 “(ii) An eligible out-of-State provider  
5 or supplier that is enrolled in the State  
6 plan through the streamlined screening  
7 and enrollment process shall be enrolled  
8 for a period of 5 years before being re-  
9 quired to obtain revalidation.

10 “(iii) An eligible out-of-State provider  
11 or supplier that is enrolled in the State  
12 plan through the streamlined screening  
13 and enrollment process shall be permitted  
14 to order all clinically necessary follow-up  
15 care, including with respect to the pre-  
16 scribing of medications.”.

17 (b) COORDINATION WITH MEDICARE.—The Sec-  
18 retary shall establish a process for permitting a provider  
19 or a supplier, as the case may be, the option when enroll-  
20 ing in the program established under the Medicare pro-  
21 gram under title XVIII of the Social Security Act pursu-  
22 ant to subpart P of part 424 of title 42, Code of Federal  
23 Regulations (or any successor regulation), to elect, at the  
24 same time, to enroll in the Medicaid program under title  
25 XIX of such Act for purposes of all State plans under

1 such title XIX. The Secretary may utilize the Medicare  
2 Provider Enrollment, Chain and Ownership System (re-  
3 ferred to as “PECOS”), or another national, standard-  
4 ized, and widely accessible platform to establish such proc-  
5 ess.

6 (c) CONFORMING AMENDMENTS.—

7 (1) Section 1902(a)(77) of the Social Security  
8 Act (42 U.S.C. 1396a(a)(77)) is amended by insert-  
9 ing “enrollment,” after “screening,”.

10 (2) Section 1902(kk) of such Act (42 U.S.C.  
11 1396a(kk)), as amended by subsection (a), is further  
12 amended—

13 (A) in the subsection heading, by inserting  
14 “ENROLLMENT,” after “SCREENING,”; and

15 (B) in paragraph (9), by striking “Noth-  
16 ing” and inserting “Except as provided in para-  
17 graph (10)(D)(i), nothing”.

18 (3) Section 2107(e)(1)(G) of such Act (42  
19 U.S.C. 1397gg(e)(1)(G)) is amended by inserting  
20 “enrollment,” after “screening,”.

21 (d) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), the amendments made by this section  
24 take effect on January 1, 2019.

1           (2) EXCEPTION FOR STATE LEGISLATION.—In  
2           the case of a State plan for medical assistance under  
3           title XIX of the Social Security Act or a State child  
4           health plan under title XXI of such Act which the  
5           Secretary of Health and Human Services determines  
6           requires State legislation (other than legislation ap-  
7           propriating funds) in order for the plan to meet the  
8           additional requirements imposed by the amendments  
9           made by this section, such State plan shall not be  
10          regarded as failing to comply with the requirements  
11          of such title solely on the basis of its failure to meet  
12          these additional requirements before the first day of  
13          the first calendar quarter beginning after the close  
14          of the first regular session of the State legislature  
15          that begins after the date of the enactment of this  
16          Act. For purposes of the previous sentence, in the  
17          case of a State that has a 2-year legislative session,  
18          each year of such session shall be deemed to be a  
19          separate regular session of the State legislature.

