

116TH CONGRESS 1ST SESSION H.R. 1277

To establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan.

IN THE HOUSE OF REPRESENTATIVES

February 14, 2019

Mr. Luján (for himself, Mr. Blumenauer, Mr. Carson of Indiana, Mr. Cicilline, Ms. Clark of Massachusetts, Ms. Clarke of New York, Mr. Cohen, Mr. DeSaulnier, Mr. Michael F. Doyle of Pennsylvania, Mr. Engel, Ms. Fudge, Mr. Gallego, Mr. Garamendi, Ms. Hill of California, Ms. Jayapal, Mr. Khanna, Mr. Krishnamoorthi, Ms. Matsui, Ms. McCollum, Mrs. Napolitano, Mr. Neguse, Ms. Norton, Ms. Omar, Mr. Perlmutter, Mr. Pocan, Mr. Rouda, Ms. Roybal-Allard, Mr. Schiff, Ms. Schrier, Mr. Takano, Ms. Titus, Mr. Tonko, Mrs. Watson Coleman, Mr. Welch, Ms. Velázquez, Ms. Moore, Mr. Cox of California, Ms. Wild, Ms. Kuster of New Hampshire, Ms. Schakowsky, and Mr. Clay) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan.

- 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. SHORT TITLE.

| 2 | This Act may be cited as the "State Public Option |
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| 3 | Act". |
| 4 | SEC. 2. MEDICAID BUY-IN OPTION. |
| 5 | (a) In General.—Section 1902 of the Social Secu- |
| 6 | rity Act (42 U.S.C. 1396a) is amended— |
| 7 | (1) in subsection (a)(10)— |
| 8 | (A) in subparagraph (A)(ii)— |
| 9 | (i) in subclause (XXI), by striking "; |
| 10 | or" and inserting a semicolon; |
| 11 | (ii) in subclause (XXII), by adding |
| 12 | "or" at the end; and |
| 13 | (iii) by adding at the end the fol- |
| 14 | lowing new subclause: |
| 15 | "(XXIII) beginning January 1, |
| 16 | 2020, who are residents of the State |
| 17 | and are not concurrently enrolled in |
| 18 | another health insurance coverage |
| 19 | plan, subject, in the case of individ- |
| 20 | uals described in subsection (qq) and |
| 21 | notwithstanding section 1916 (except |
| 22 | for subsection (k) of such section), to |
| 23 | payment of premiums or other cost- |
| 24 | sharing charges;"; and |
| 25 | (B) in the matter following subparagraph |
| 26 | (G), in clause (XV), by inserting "or subsection |

1 after "described (qq)" in subparagraph 2 (A)(i)(VIII)"; and 3 (2) by adding at the end the following new sub-4 section: "(qq) Previously Undescribed Individuals.— 5 Individuals described in this subsection are individuals 7 who are— "(1) described in subclause (XXIII) of sub-8 9 section (a)(10)(A)(ii); and "(2) are not described in any other subclause of 10 11 such subsection or any other provision in this Act 12 which provides for eligibility for medical assist-13 ance.". 14 (b) Provision of at Least Minimum Coverage.— 15 (1) IN GENERAL.—Section 1902(k)(1) of the Social Security Act (42 U.S.C. 1396a(k)(1)) is 16 17 amended by inserting "or an individual described in subsection (qq)" after "an individual described in 18 19 subclause (VIII) of subsection (a)(10)(A)(i)" each 20 place it appears. 21 (2)Conforming AMENDMENT.—Section 22 1903(i)(26) of the Social Security Act (42 U.S.C. 23 1396b(i)(26)) is amended by striking "individuals 24 described insubclause (VIII) of subsection 25 (a)(10)(A)(i)" and inserting "individuals described

| 1 | in subsection $(a)(10)(A)(i)(VIII)$ or (qq) of section |
|----|--|
| 2 | 1902". |
| 3 | (e) Federal Financial Participation in Buy-In |
| 4 | Program.— |
| 5 | (1) Enhanced match for administrative |
| 6 | EXPENSES.—Section 1903(a) of the Social Security |
| 7 | Act (42 U.S.C. 1396b(a)) is amended— |
| 8 | (A) by redesignating paragraph (7) as |
| 9 | paragraph (8); and |
| 10 | (B) by inserting after paragraph (6) the |
| 11 | following new paragraph: |
| 12 | "(7) an amount equal to 90 percent of the |
| 13 | sums expended during such quarter which are at- |
| 14 | tributable to reasonable administrative expenses re- |
| 15 | lated to the administration of a Medicaid buy-in pro- |
| 16 | gram for individuals described in section |
| 17 | 1902(a)(10)(A)(ii)(XXIII); plus". |
| 18 | (2) Treatment of Premium and Cost-Shar- |
| 19 | ING REVENUES FROM MEDICAID BUY-IN PROGRAM.— |
| 20 | (A) In general.—For purposes of section |
| 21 | 1903(a)(1) of the Social Security Act (42 |
| 22 | U.S.C. 1396b(a)(1)), for any fiscal quarter dur- |
| 23 | ing which a State collects premiums, cost-shar- |
| 24 | ing, or similar charges under subsection (k) of |
| 25 | section 1916 of such Act (42 U.S.C. 1396o) (as |

added by this Act), including any advance payments of premium tax credits under section 1412 of the Patient Protection and Affordable Care Act or payments for cost-sharing reductions under section 1402 of such Act that are received by the State, the total amount expended during such quarter as medical assistance for individuals who buy into Medicaid coverage under subclause (XXIII) of section 1902(a)(10)(A)(ii) of the Social Security Act (as added by this Act) shall be reduced by the amount of such premiums or charges.

(B) Treatment of excess premiums.—
Each State that collects premiums or similar charges under subsection (k) of section 1916 of the Social Security Act (42 U.S.C. 1396o) (as added by this Act) in a fiscal year shall pay to the Secretary of Health and Human Services, at such time and in such form and manner as the Secretary shall specify, an amount equal to 50 percent of the amount, if any, by which—

(i) the total amount of such premiums and charges collected by the State for such year; exceeds

| 1 | (ii) the total amount expended by the |
|----|---|
| 2 | State during such year as medical assist- |
| 3 | ance for individuals who buy into Medicaid |
| 4 | coverage under subclause (XXIII) of sec- |
| 5 | tion $1902(a)(10)(A)(ii)$ of such Act (as |
| 6 | added by this Act). |
| 7 | (d) Cost-Sharing Requirement.—Section 1916 of |
| 8 | the Social Security Act (42 U.S.C. 1396o) is amended by |
| 9 | adding at the end the following new subsection: |
| 10 | "(k) Premiums and Cost-Sharing for Individ- |
| 11 | UALS PARTICIPATING IN MEDICAID BUY-IN PROGRAM.— |
| 12 | "(1) In general.—Subject to paragraph (2), |
| 13 | with respect to individuals who are eligible for med- |
| 14 | ical assistance under subsection |
| 15 | (a)(10)(A)(ii)(XXIII) of section 1902 and are de- |
| 16 | scribed in subsection (qq) of such section, a State |
| 17 | may— |
| 18 | "(A) impose premiums, deductibles, cost- |
| 19 | sharing, or other similar charges that are actu- |
| 20 | arially fair; and |
| 21 | "(B) vary the premium rate imposed on an |
| 22 | individual based only on the factors described in |
| 23 | section 2701(a)(1)(A) of the Public Health |
| 24 | Service Act and subject to the same limitations |

1 on the weight which may be given to such fac-2 tors under such section. 3 "(2) Limitations.— "(A) Premiums.—The total amount of premiums imposed for a year under this sub-6 section with respect to all individuals described 7 in paragraph (1) in a family shall not exceed an 8 amount equal to 9.5 percent of the family's 9 household income (as defined in section 10 36B(d)(2) of the Internal Revenue Code of 11 1986) for the year involved. 12 "(B) OTHER COST-SHARING.— 13 "(i) IN GENERAL.—The cost-sharing 14 limitations described in section 1302(c) of 15 the Patient Protection and Affordable Care 16 Act shall apply to cost-sharing (as defined 17 in such section) for medical assistance pro-18 vided under section 19 1902(a)(10)(A)(ii)(XXIII) in the 20 manner as such limitations apply to cost-21 sharing under qualified health plans under 22 title I of such Act. 23 "(ii) Availability of cost-sharing 24 REDUCTIONS.—Individuals provided med-

ical

assistance

under

section

25

| 1 | 1902(a)(10)(A)(ii)(XXIII) and subject to |
|----|--|
| 2 | cost-sharing under this subsection are eli- |
| 3 | gible for cost-sharing reductions under sec- |
| 4 | tion 1402 of the Patient Protection and |
| 5 | Affordable Care Act (subject to the income |
| 6 | eligibility threshold in subsection (b)(2) of |
| 7 | such section), and in applying such sec- |
| 8 | tion— |
| 9 | "(I) enrollment in a State plan |
| 10 | under section |
| 11 | 1902(a)(10)(A)(ii)(XXIII) shall be |
| 12 | treated as coverage under a qualified |
| 13 | health plan in the silver level of cov- |
| 14 | erage in the individual market offered |
| 15 | through an Exchange established for |
| 16 | or by the State under title I of the |
| 17 | Patient Protection and Affordable |
| 18 | Care Act; and |
| 19 | "(II) the State agency admin- |
| 20 | istering such plan shall be treated as |
| 21 | the issuer of such plan. |
| 22 | "(3) Premiums and cost-sharing for cer- |
| 23 | TAIN OTHER INDIVIDUALS.—If an individual is eligi- |
| 24 | ble for medical assistance under subsection |

1 (a)(10)(A)(ii)(XXIII) of section 1902 and is not de-2 scribed in subsection (qq) of such section, a State— "(A) shall not impose premiums and cost-3 sharing on the individual under this subsection; 4 5 and 6 "(B) may impose premiums and cost-shar-7 ing on the individual to the extent allowed by 8 another provision of this Act (other than sec-9 tion 1902(a)(10)(A)(ii)(XXIII)) which provides 10 for eligibility for medical assistance, but only if 11 the individual is described in such other provi-12 sion. 13 "(4) APPLICATION OF PREMIUM ASSISTANCE 14 TAX CREDITS.—An individual who is required to pay 15 premiums under this subsection for a year for med-16 ical assistance shall be eligible for a premium assist-17 ance credit under section 36B of the Internal Rev-18 enue Code to the same extent that such individual 19 would be eligible for a premium assistance credit 20 under such section if such individual had paid the 21 same amount in premiums for coverage under a 22 qualified health plan for such year.". 23 (e) Managed Care.—Section 1932(a)(1)(A)(i) of the Social Security Act (42 U.S.C. 1396u–2(a)(1)(A)(i)) is amended by inserting ", including an individual who is

- 1 eligible for such assistance after buying into such coverage
- 2 under section 1902(a)(10)(A)(ii)(XXIII)," after "the
- 3 State plan under this title".
- 4 (f) Offering Buy-In Program on State Ex-
- 5 CHANGE; ENROLLMENT PERIODS.—
- 6 (1) In general.—A State that has elected to
- 7 allow individuals to buy into Medicaid coverage
- 8 under section 1902(a)(10)(A)(ii)(XXIII) of the So-
- 9 cial Security Act (as added by this Act) shall allow
- individuals to enroll in such coverage through the
- 11 Federal, federally facilitated, or State Exchange es-
- tablished pursuant to title I of the Patient Protec-
- tion and Affordable Care Act.
- 14 (2) Enrollment periods.—A State may limit
- the enrollment of individuals into Medicaid coverage
- under section 1902(a)(10)(A)(ii)(XXIII) of the So-
- cial Security Act (as added by this Act) to the en-
- 18 rollment periods provided for under section
- 19 1311(c)(6) of the Patient Protection and Affordable
- 20 Care Act.
- 21 (g) Application of Advanced Premium Tax
- 22 Credits to Medicaid Buy-In Plans.—
- 23 (1) IN GENERAL.—Section 36B of the Internal
- Revenue Code of 1986 is amended—

| 1 | (A) in subsection (b)(3)(B), by adding at |
|----|--|
| 2 | the end the following new sentence: |
| 3 | "If an applicable taxpayer resides in a rating |
| 4 | area in which no silver plan is offered on the |
| 5 | individual market but the taxpayer buys into |
| 6 | Medicaid coverage under section |
| 7 | 1902(a)(10)(A)(ii)(XXIII) of the Social Secu- |
| 8 | rity Act, such Medicaid coverage shall be |
| 9 | deemed to be the applicable second lowest cost |
| 10 | silver plan with respect to such taxpayer."; and |
| 11 | (B) by adding at the end the following new |
| 12 | subsection: |
| 13 | "(h) Application to Individuals Purchasing |
| 14 | MEDICAID COVERAGE.—In the case of any individual who |
| 15 | buys into Medicaid coverage under section |
| 16 | 1902(a)(10)(A)(ii)(XXIII) of the Social Security Act, this |
| 17 | section shall be applied with the following modifications: |
| 18 | "(1) The amount determined under subsection |
| 19 | (b)(2)(A) shall be increased by the amount of the |
| 20 | monthly premiums paid for such coverage. |
| 21 | "(2) Subsection (c)(2)(A)(i) shall be applied by |
| 22 | treating coverage under the Medicaid program under |
| 23 | title XIX of the Social Security Act in the same |
| 24 | manner as a qualified health plan that was enrolled |
| 25 | in through an Exchange. |

| 1 | "(3) In applying subsection (c)(2)(B)— |
|----|---|
| 2 | "(A) an individual shall not be considered |
| 3 | to be eligible for minimum essential coverage |
| 4 | described in section $5000A(f)(1)(A)(ii)$ by rea- |
| 5 | son of eligibility for medical assistance under a |
| 6 | State Medicaid program under section |
| 7 | 1902(a)(10)(A)(ii)(XXIII); and |
| 8 | "(B) an individual who is not covered by |
| 9 | minimum essential coverage described in section |
| 10 | 5000A(f)(1)(B) shall not be considered to be el- |
| 11 | igible for such coverage.". |
| 12 | (2) Advanced payment of credit.— |
| 13 | (A) IN GENERAL.—The Secretary of |
| 14 | Health and Human Services, in consultation |
| 15 | with the Secretary of the Treasury, shall estab- |
| 16 | lish a program under which— |
| 17 | (i) upon request of a State agency ad- |
| 18 | ministering a State Medicaid program |
| 19 | under title XIX of the Social Security Act, |
| 20 | advance determinations are made in a |
| 21 | manner similar to advanced determinations |
| 22 | under section 1412 of the Patient Protec- |
| 23 | tion and Affordable Care Act with respect |
| 24 | to the income eligibility of individuals en- |
| 25 | rolling in such program for the premium |

| 1 | tax credit allowable under section 36B of |
|----|--|
| 2 | the Internal Revenue Code of 1986 and |
| 3 | the cost-sharing reductions under section |
| 4 | 1402 of the Patient Protection and Afford- |
| 5 | able Care Act; |
| 6 | (ii) the Secretary notifies— |
| 7 | (I) the State agency admin- |
| 8 | istering the program and the Sec- |
| 9 | retary of the Treasury of the advance |
| 10 | determinations; and |
| 11 | (II) the Secretary of the Treas- |
| 12 | ury of the name and employer identi- |
| 13 | fication number of each employer with |
| 14 | respect to whom 1 or more employees |
| 15 | of the employer were determined to be |
| 16 | eligible for the premium tax credit |
| 17 | under section 36B of the Internal |
| 18 | Revenue Code of 1986 and the cost- |
| 19 | sharing reductions under section 1402 |
| 20 | of the Patient Protection and Afford- |
| 21 | able Care Act because— |
| 22 | (aa) the employer did not |
| 23 | provide minimum essential cov- |
| 24 | erage; or |

| 1 | (bb) the employer provided |
|----|--|
| 2 | such minimum essential coverage |
| 3 | but it was determined under sec- |
| 4 | tion $36B(e)(2)(C)$ of such Code |
| 5 | to either be unaffordable to the |
| 6 | employee or not provide the re- |
| 7 | quired minimum actuarial value; |
| 8 | and |
| 9 | (iii) the Secretary of the Treasury |
| 10 | makes advance payments of such credit or |
| 11 | reductions to the State agency admin- |
| 12 | istering the program in order to reduce the |
| 13 | premiums payable by individuals eligible |
| 14 | for such credit. |
| 15 | (B) Determinations and payments.— |
| 16 | Rules similar to subsections (b) and (c) of sec- |
| 17 | tion 1412 of the Patient Protection and Afford- |
| 18 | able Care Act shall apply for purposes of this |
| 19 | subsection. |
| 20 | (C) COORDINATION WITH CREDIT.— |
| 21 | (i) In general.—Section 36B of the |
| 22 | Internal Revenue Code of 1986 is amended |
| 23 | by inserting "and under section $2(g)(2)$ of |
| 24 | the State Public Option Act" after "sec- |
| 25 | tion 1412 of the Patient Protection and |

| 1 | Affordable Care Act" each place it appears |
|----|--|
| 2 | in subsections $(f)(1)$, $(f)(2)$, and $(g)(1)$. |
| 3 | (ii) Information reporting.—Sec- |
| 4 | tion 36B(f)(3) of such Code is amended by |
| 5 | adding at the end the following flush sen- |
| 6 | tence: "In the case of any coverage under |
| 7 | the Medicaid program under title XIX of |
| 8 | the Social Security Act for which a credit |
| 9 | under this section is allowable by reason of |
| 10 | subsection (h), the State agency admin- |
| 11 | istering the Medicaid program shall be |
| 12 | treated as an Exchange for purposes of |
| 13 | this paragraph and subparagraph (A) shall |
| 14 | not apply.". |
| 15 | (3) Conforming amendment relating to |
| 16 | EMPLOYER RESPONSIBILITY.—Paragraph (6) of sec- |
| 17 | tion 4980H(c) of the Internal Revenue Code of 1986 |
| 18 | is amended by inserting ", except that for purposes |
| 19 | of subsections $(a)(2)$ and $(b)(2)$, the term 'qualified |
| 20 | health plan' shall include any plan described in sec- |
| 21 | tion 36B(h)" after "such Act". |
| 22 | (h) Conforming Amendments.— |
| 23 | (1) Section 1902(a)(10) of the Social Security |
| 24 | Act (42 U.S.C. 1396a(a)(10)), as amended by sub- |

| 1 | section (a), is further amended, in the matter fol- |
|----|---|
| 2 | lowing subparagraph (G)— |
| 3 | (A) by striking "and (XVII)" and inserting |
| 4 | ", (XVII)"; and |
| 5 | (B) by inserting ", and (XVIII) the med- |
| 6 | ical assistance made available to an individual |
| 7 | described in subparagraph (A)(ii)(XXIII) shall |
| 8 | be limited to medical assistance described in |
| 9 | subsection (k)(1)" before the semicolon. |
| 10 | (2) Section 1903(f)(4) of the Social Security |
| 11 | Act (42 U.S.C. 1396b(f)(4)) is amended by inserting |
| 12 | "1902(a)(10)(A)(ii)(XXIII)," after |
| 13 | "1902(a)(10)(A)(ii)(XXII),". |
| 14 | (3) Section 1905(a) of the Social Security Act |
| 15 | (42 U.S.C. 1396d(a)) is amended, in the matter pre- |
| 16 | ceding paragraph (1)— |
| 17 | (A) by striking "or" at the end of clause |
| 18 | (xvi); |
| 19 | (B) by inserting "or" at the end of clause |
| 20 | (xvii); and |
| 21 | (C) by inserting after clause (xvii) the fol- |
| 22 | lowing new clause: |
| 23 | "(xviii) individuals described in section |
| 24 | 1902(a)(10)(A)(ii)(XXIII) '' |

| 1 | (4) Section 1916A(a)(1) of the Social Security |
|----|--|
| 2 | Act (42 U.S.C. 1396o-1(a)(1)) is amended by strik- |
| 3 | ing "or (j)" and inserting "(j), or (k)". |
| 4 | (5) Section 1937(a)(1)(B) of the Social Secu- |
| 5 | rity Act (42 U.S.C. 1396u-7(a)(1)(B)) is amended |
| 6 | by inserting ", subclause (XXIII) of section |
| 7 | 1902(a)(10)(A)(ii)," after "1902(a)(10)(A)(i)". |
| 8 | SEC. 3. DEVELOPMENT OF STATE-LEVEL METRICS ON MED |
| 9 | ICAID BENEFICIARY ACCESS AND SATISFAC |
| 10 | TION. |
| 11 | (a) In General.— |
| 12 | (1) Development of metrics.—Not later |
| 13 | than 1 year after the date of enactment of this Act |
| 14 | the Director of the Agency for Healthcare Research |
| 15 | and Quality, in consultation with State Medicaid Di- |
| 16 | rectors, shall develop standardized, State-level |
| 17 | metrics of access to, and satisfaction with, providers |
| 18 | including primary care and specialist providers, with |
| 19 | respect to individuals who are enrolled in State Med- |
| 20 | icaid plans under title XIX of the Social Security |
| 21 | Act. |
| 22 | (2) Process.—The Director of the Agency for |
| 23 | Healthcare Research and Quality shall develop the |
| | |

metrics described in paragraph (1) through a public

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- 1 process, which shall provide opportunities for stake-
- 2 holders to participate.
- 3 (b) UPDATING METRICS.—The Director of the Agen-
- 4 cy for Healthcare Research and Quality, in consultation
- 5 with the Deputy Administrator for the Center for Med-
- 6 icaid and CHIP Services and State Medicaid Directors,
- 7 shall update the metrics developed under subsection (a)
- 8 not less than once every 3 years.
- 9 (c) State Implementation Funding.—The Direc-
- 10 tor of the Agency for Healthcare Research and Quality
- 11 may award funds, from the amount appropriated under
- 12 subsection (d), to States for the purpose of implementing
- 13 the metrics developed under this section.
- (d) APPROPRIATION.—There is appropriated to the
- 15 Director of the Agency for Healthcare Research and Qual-
- 16 ity, out of any funds in the Treasury not otherwise appro-
- 17 priated, \$200,000,000 for fiscal year 2020, to remain
- 18 available until expended, for the purpose of carrying out
- 19 this section.
- 20 SEC. 4. RENEWAL OF APPLICATION OF MEDICARE PAY-
- 21 MENT RATE FLOOR TO PRIMARY CARE SERV-
- 22 ICES FURNISHED UNDER MEDICAID AND IN-
- 23 CLUSION OF ADDITIONAL PROVIDERS.
- 24 (a) Renewal of Payment Floor; Additional
- 25 Providers.—

1 (1) In General.—Section 1902(a)(13) of the 2 Social Security Act (42 U.S.C. 1396a(a)(13)) is 3 amended by striking subparagraph (C) and inserting 4 the following: "(C) payment for primary care services (as 6 defined in subsection (jj)) at a rate that is not 7 less than 100 percent of the payment rate that 8 applies to such services and physician under 9 part B of title XVIII (or, if greater, the pay-10 ment rate that would be applicable under such 11 part if the conversion factor under section 12 1848(d) for the year involved were the conver-13 sion factor under such section for 2009), and 14 that is not less than the rate that would other-15 wise apply to such services under this title if 16 the rate were determined without regard to this 17 subparagraph, and that are— 18 "(i) furnished in 2013 and 2014, by a 19 physician with a primary specialty designa-20 tion of family medicine, general internal 21 medicine, or pediatric medicine; or 22 "(ii) furnished in the period that be-23 gins on the first day of the first month 24 that begins after the date of enactment of 25 the State Public Option Act—

| 1 | "(I) by a physician with a pri- |
|----|---|
| 2 | mary specialty designation of family |
| 3 | medicine, general internal medicine, |
| 4 | or pediatric medicine, but only if the |
| 5 | physician self-attests that the physi- |
| 6 | cian is Board certified in family medi- |
| 7 | cine, general internal medicine, or pe- |
| 8 | diatric medicine; |
| 9 | "(II) by a physician with a pri- |
| 10 | mary specialty designation of obstet- |
| 11 | rics and gynecology, but only if the |
| 12 | physician self-attests that the physi- |
| 13 | cian is Board certified in obstetrics |
| 14 | and gynecology; |
| 15 | "(III) by an advanced practice |
| 16 | clinician, as defined by the Secretary, |
| 17 | that works under the supervision of— |
| 18 | "(aa) a physician that satis- |
| 19 | fies the criteria specified in sub- |
| 20 | clause (I) or (II); or |
| 21 | "(bb) a nurse practitioner or |
| 22 | a physician assistant (as such |
| 23 | terms are defined in section |
| 24 | 1861(aa)(5)(A)) who is working |
| 25 | in accordance with State law, or |

| 1 | a certified nurse-midwife (as de- |
|----|---|
| 2 | fined in section 1861(gg)) who is |
| 3 | working in accordance with State |
| 4 | law; |
| 5 | "(IV) by a rural health clinic, |
| 6 | Federally-qualified health center, or |
| 7 | other health clinic that receives reim- |
| 8 | bursement on a fee schedule applica- |
| 9 | ble to a physician, a nurse practi- |
| 10 | tioner or a physician assistant (as |
| 11 | such terms are defined in section |
| 12 | 1861(aa)(5)(A)) who is working in ac- |
| 13 | cordance with State law, or a certified |
| 14 | nurse-midwife (as defined in section |
| 15 | 1861(gg)) who is working in accord- |
| 16 | ance with State law, for services fur- |
| 17 | nished by a physician, nurse practi- |
| 18 | tioner, physician assistant, or certified |
| 19 | nurse-midwife, or services furnished |
| 20 | by an advanced practice clinician su- |
| 21 | pervised by a physician described in |
| 22 | subclause (I)(aa) or (II)(aa), another |
| 23 | advanced practice clinician, or a cer- |
| 24 | tified nurse-midwife; or |

| 1 | "(V) by a nurse practitioner or a |
|----|--|
| 2 | physician assistant (as such terms are |
| 3 | defined in section 1861(aa)(5)(A)) |
| 4 | who is working in accordance with |
| 5 | State law, or a certified nurse-midwife |
| 6 | (as defined in section 1861(gg)) who |
| 7 | is working in accordance with State |
| 8 | law, in accordance with procedures |
| 9 | that ensure that the portion of the |
| 10 | payment for such services that the |
| 11 | nurse practitioner, physician assist- |
| 12 | ant, or certified nurse-midwife is paid |
| 13 | is not less than the amount that the |
| 14 | nurse practitioner, physician assist- |
| 15 | ant, or certified nurse-midwife would |
| 16 | be paid if the services were provided |
| 17 | under part B of title XVIII;". |
| 18 | (2) Conforming amendments.—Section |
| 19 | 1905(dd) of the Social Security Act (42 U.S.C. |
| 20 | 1396d(dd)) is amended— |
| 21 | (A) by striking "Notwithstanding" and in- |
| 22 | serting the following: |
| 23 | "(1) In general.—Notwithstanding"; |

| 1 | (B) by inserting "or furnished during the |
|----|--|
| 2 | additional period specified in paragraph (2)," |
| 3 | after "2015,"; and |
| 4 | (C) by adding at the end the following: |
| 5 | "(2) Additional Period.—For purposes of |
| 6 | paragraph (1), the additional period specified in this |
| 7 | paragraph is the period that begins on the first day |
| 8 | of the first month that begins after the date of en- |
| 9 | actment of the State Public Option Act.". |
| 10 | (b) Improved Targeting of Primary Care.—Sec- |
| 11 | tion 1902(jj) of the Social Security Act (42 U.S.C. |
| 12 | 1396a(jj)) is amended— |
| 13 | (1) by redesignating paragraphs (1) and (2) as |
| 14 | subparagraphs (A) and (B), respectively and realign- |
| 15 | ing the left margins accordingly; |
| 16 | (2) by striking "For purposes of" and inserting |
| 17 | the following: |
| 18 | "(1) IN GENERAL.—For purposes of"; and |
| 19 | (3) by adding at the end the following: |
| 20 | "(2) Exclusions.—Such term does not include |
| 21 | any services described in subparagraph (A) or (B) of |
| 22 | paragraph (1) if such services are provided in an |
| 23 | emergency department of a hospital.". |
| 24 | (c) Ensuring Payment by Managed Care Enti- |
| 25 | TIES.— |

| 1 | (1) In general.—Section 1903(m)(2)(A) of |
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| 2 | the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) |
| 3 | is amended— |
| 4 | (A) in clause (xii), by striking "and" after |
| 5 | the semicolon; |
| 6 | (B) by realigning the left margin of clause |
| 7 | (xiii) so as to align with the left margin of |
| 8 | clause (xii) and by striking the period at the |
| 9 | end of clause (xiii) and inserting "; and; and |
| 10 | (C) by inserting after clause (xiii) the fol- |
| 11 | lowing: |
| 12 | "(xiv) such contract provides that (I) payments |
| 13 | to providers specified in section 1902(a)(13)(C) for |
| 14 | primary care services defined in section 1902(jj) |
| 15 | that are furnished during a year or period specified |
| 16 | in section 1902(a)(13)(C) and section 1905(dd) are |
| 17 | at least equal to the amounts set forth and required |
| 18 | by the Secretary by regulation, (II) the entity shall, |
| 19 | upon request, provide documentation to the State, |
| 20 | sufficient to enable the State and the Secretary to |
| 21 | ensure compliance with subclause (I), and (III) the |
| 22 | Secretary shall approve payments described in sub- |
| 23 | clause (I) that are furnished through an agreed |
| 24 | upon capitation, partial capitation, or other value- |
| 25 | based payment arrangement if the capitation, partial |

| 1 | capitation, or other value-based payment arrange |
|----|---|
| 2 | ment is based on a reasonable methodology and the |
| 3 | entity provides documentation to the State sufficien- |
| 4 | to enable the State and the Secretary to ensure com |
| 5 | pliance with subclause (I).". |
| 6 | (2) Conforming Amendment.—Section |
| 7 | 1932(f) of the Social Security Act (42 U.S.C |
| 8 | 1396u-2(f)) is amended by inserting "and clause |
| 9 | (xiv) of section 1903(m)(2)(A)" before the period. |
| 10 | SEC. 5. INCREASED FMAP FOR MEDICAL ASSISTANCE TO |
| 11 | NEWLY ELIGIBLE INDIVIDUALS. |
| 12 | (a) In General.—Section 1905(y)(1) of the Social |
| 13 | Security Act (42 U.S.C. 1396d(y)(1)) is amended— |
| 14 | (1) in subparagraph (A), by striking "2014 |
| 15 | 2015, and 2016" and inserting "each of the first s |
| 16 | consecutive 12-month periods in which the State |
| 17 | provides medical assistance to newly eligible individ |
| 18 | uals"; |
| 19 | (2) in subparagraph (B), by striking "2017" |
| 20 | and inserting "the fourth consecutive 12-month pe |
| 21 | riod in which the State provides medical assistance |
| 22 | to newly eligible individuals"; |
| 23 | (3) in subparagraph (C), by striking "2018" |
| | |

| 1 | in which the State provides medical assistance to |
|----|---|
| 2 | newly eligible individuals"; |
| 3 | (4) in subparagraph (D), by striking "2019" |
| 4 | and inserting "the sixth consecutive 12-month period |
| 5 | in which the State provides medical assistance to |
| 6 | newly eligible individuals"; and |
| 7 | (5) in subparagraph (E), by striking "2020 and |
| 8 | each year thereafter" and inserting "the seventh |
| 9 | consecutive 12-month period in which the State pro- |
| 10 | vides medical assistance to newly eligible individuals |
| 11 | and each such period thereafter". |
| 12 | (b) Effective Date.—The amendments made by |
| 13 | subsection (a) shall take effect as if included in the enact- |
| 14 | ment of Public Law 111–148. |
| 15 | SEC. 6. MEDICAID COVERAGE OF COMPREHENSIVE REPRO- |
| 16 | DUCTIVE HEALTH CARE SERVICES. |
| 17 | (a) Inclusion of Comprehensive Reproductive |
| 18 | HEALTH CARE SERVICES AS MEDICAL ASSISTANCE.— |
| 19 | Section 1905(a) of the Social Security Act (42 U.S.C. |
| 20 | 1396d(a)), as amended by section 2(h), is further amend- |
| 21 | ed— |
| 22 | (1) in paragraph (29), by striking "and" at the |
| 23 | end; |
| 24 | |
| 24 | (2) by redesignating paragraph (30) as para- |

- 1 (3) by inserting after paragraph (29) the following new paragraph:
- 3 "(30) comprehensive reproductive health care
- 4 services, including abortion services; and".
- 5 (b) Requiring Coverage of Comprehensive Re-
- 6 PRODUCTIVE HEALTH CARE SERVICES AS CONDITION OF
- 7 STATE PLAN APPROVAL.—Section 1902(a)(10)(A) of the
- 8 Social Security Act (42 U.S.C. 1396a(a)(10)(A)), as
- 9 amended by subsections (a) and (h) of section 2, is further
- 10 amended, in the matter preceding clause (i), by striking
- 11 "and (29)" and inserting "(29), and (30)".
- 12 (c) Conforming Amendment.—Section
- 13 1932(e)(1)(B) of the Social Security Act (42 U.S.C.
- 14 1396u-2(e)(1)(B)) is amended by striking "Clause (i)"
- 15 and inserting "With respect to the period beginning before
- 16 January 1, 2021, clause (i)".
- 17 (d) Effective Date.—The amendments made by
- 18 this section shall apply with respect to medical assistance
- 19 furnished on or after January 1, 2021.

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