

117TH CONGRESS
1ST SESSION

H. R. 3089

To amend title XIX of the Social Security Act to streamline enrollment under the Medicaid program of certain providers across State lines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Ms. CLARK of Massachusetts (for herself and Ms. HERRERA BEUTLER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to streamline enrollment under the Medicaid program of certain providers across State lines, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Accelerating Kids’ Ac-
5 cess to Care Act”.

1 **SEC. 2. STREAMLINED ENROLLMENT PROCESS FOR ELIGI-**
2 **BLE OUT-OF-STATE PROVIDERS UNDER THE**
3 **MEDICAID PROGRAM.**

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 ENROLLMENT PROCESS
8 FOR ELIGIBLE OUT-OF-STATE PROVIDERS.—

9 “(A) IN GENERAL.—The State adopts and
10 implements a process that enables an eligible
11 out-of-State provider to enroll as a provider in
12 the State plan without the imposition of addi-
13 tional screening requirements by the State. An
14 eligible out-of-State provider that enrolls in the
15 State plan through such process shall be so en-
16 rolled for a 5-year period and may revalidate
17 such enrollment through such process for subse-
18 quent 5-year periods.

19 “(B) DEFINITIONS.—In this paragraph:

20 “(i) ELIGIBLE OUT-OF-STATE PRO-
21 VIDER.—The term ‘eligible out-of-State
22 provider’ means, with respect to a State, a
23 provider—

24 “(I) that furnishes to qualifying
25 individuals any item or service for

1 which payment is available under the
2 State plan of the State;

3 “(II) that is located in any other
4 State;

5 “(III) with respect to which the
6 Secretary has determined there is a
7 limited risk of fraud, waste, or abuse
8 for purposes of determining the level
9 of screening to be conducted under
10 section 1866(j)(2)(B);

11 “(IV) that has been screened
12 under such section 1866(j)(2)(B) for
13 purposes of enrolling in the Medicare
14 program under title XVIII or the
15 State plan of the State in which such
16 provider is located; and

17 “(V) that has not been excluded
18 from participation in the Medicare
19 program under such title or the Med-
20 icaid program under this title.

21 “(ii) QUALIFYING INDIVIDUAL.—The
22 term ‘qualifying individual’ means, with re-
23 spect to an eligible out-of-State provider—

24 “(I) an individual under 18 years
25 of age to whom the provider furnishes

1 items and services for the treatment
2 of a condition; and

3 “(II) an individual 18 years of
4 age or older to whom the provider fur-
5 nishes items and services for the
6 treatment of a condition that onset
7 before such individual attained 18
8 years of age.”.

9 (b) CONFORMING AMENDMENTS.—

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

13 (2) Section 1902(kk) of such Act (42 U.S.C.
14 1396a(kk)), as amended by subsection (a), is further
15 amended—

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

18 (B) in paragraph (9), by striking “Noth-
19 ing” and inserting “Except as provided in para-
20 graph (10), nothing”.

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

24 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amendments made by this section
3 take effect on January 1, 2022.

4 (2) EXCEPTION FOR STATE LEGISLATION.—In
5 the case of a State plan under title XIX of the So-
6 cial Security Act (42 U.S.C. 1396 et seq.) or a State
7 child health plan under title XXI of such Act (42
8 U.S.C. 1397aa et seq.) which the Secretary of
9 Health and Human Services determines requires
10 State legislation (other than legislation appro-
11 priating funds) in order for the plan to meet the ad-
12 ditional requirements imposed by the amendments
13 made by this section, such State plan or State child
14 health plan shall not be regarded as failing to com-
15 ply with the requirements of such title XIX or title
16 XXI, respectively, solely on the basis of its failure to
17 meet these additional requirements before the first
18 day of the first calendar quarter beginning after the
19 close of the first regular session of the State legisla-
20 ture that begins after the date of the enactment of
21 this Act. For purposes of the previous sentence, in
22 the case of a State that has a 2-year legislative ses-
23 sion, each year of such session shall be deemed to
24 be a separate regular session of the State legislature.

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