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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. MCNERNEY OF CALIFORNIA
AND MR. TIM MURPHY OF PENNSYLVANIA**

(Amendment drafted to AAHCA09_001)

At the end of subtitle D of title VII of division B,
relating to Medicaid and CHIP, add the following new
section:

1 **SEC. 1734. PREVENTING THE APPLICATION UNDER CHIP OF**
2 **COVERAGE WAITING PERIODS TO CHILDREN**
3 **WHO LOSE HEALTH INSURANCE COVERAGE,**
4 **WHO ARE UNDER 2 YEARS OF AGE, OR FOR**
5 **WHOM HEALTH INSURANCE COVERAGE IS**
6 **UNAFFORDABLE.**

7 (a) IN GENERAL.—Section 2102(b)(1) of the Social
8 Security Act (42 U.S.C. 1397bb(b)(1)) is amended—

9 (1) in subparagraph (B)—

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

12 (B) in clause (iv), by striking the period at
13 the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 clause:

1 “(v) may not apply a waiting period
2 (including a waiting period to carry out
3 paragraph (3)(C)) in the case of a child
4 described in subparagraph (C).”; and

5 (2) by adding at the end the following new sub-
6 paragraph:

7 “(C) DESCRIPTION OF CHILDREN NOT
8 SUBJECT TO WAITING PERIOD.—For purposes
9 of this paragraph, a child described in this sub-
10 paragraph is a child who, on the date an appli-
11 cation is submitted for such child for child
12 health assistance under this title, meets any of
13 the following requirements:

14 “(i) INFANTS AND TODDLERS.—The
15 child is under two years of age.

16 “(ii) LOSS OF GROUP HEALTH PLAN
17 COVERAGE.—The child previously had pri-
18 vate health insurance coverage through a
19 group health plan or health insurance cov-
20 erage offered through an employer and lost
21 such coverage due to—

22 “(I) termination of an individ-
23 ual’s employment;

24 “(II) a reduction in hours that
25 an individual works for an employer;

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1 “(III) elimination of an individ-
2 ual’s retiree health benefits; or

3 “(IV) termination of an individ-
4 ual’s group health plan or health in-
5 surance coverage offered through an
6 employer.

7 “(iii) UNAFFORDABLE PRIVATE COV-
8 ERAGE.—

9 “(I) IN GENERAL.—The family of
10 the child demonstrates that the cost
11 of health insurance coverage (includ-
12 ing the cost of premiums, co-pay-
13 ments, deductibles, and other cost
14 sharing) for such family exceeds 10
15 percent of the income of such family.

16 “(II) DETERMINATION OF FAM-
17 ILY INCOME.—For purposes of sub-
18 clause (I), family income shall be de-
19 termined in the same manner speci-
20 fied by the State for purposes of de-
21 termining a child’s eligibility for child
22 health assistance under this title.”

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as of the date that is 90 days
3 after the date of the enactment of this Act.

