111TH CONGRESS
1ST SESSION
H. R. 1616

To amend title XIX of the Social Security Act to permit States the option
to provide Medicaid coverage for low-income individuals infected with HIV.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mr. ENGEL (for himself, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. UPTON, Mr. PALLONE, Mrs. BONO MACK, Mr. RANGEL, Mr. KIRK, Mr. STARK, Mr. PAUL, Mr. MARKEY of Massachusetts, Mr. FRELINGHUYSEN, Mr. GORDON of Tennessee, Mr. DENT, Mr. RUSH, Mr. KING of New York, Mr. GENE GREEN of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Ms. DEGETTE, Mr. MARIO DIAZ-BALART of Florida, Mrs. CAPPS, Mr. CASTLE, Mr. DOYLE, Mr. SMITH of New Jersey, Ms. HARMAN, Mr. McCOTTER, Ms. SCHAKOWSKY, Mr. McHUGH, Mr. GONZALEZ, Mr. LANCE, Mr. INSLEE, Mr. LoBIONDO, Ms. BALDWIN, Mr. GARRETT of New Jersey, Mr. WEINER, Mrs. BIGGERT, Ms. MATSUI, Mr. EHLERS, Mrs. CHRISTENSEN, Mr. LATHAM, Mr. HINCHEY, Mrs. EMERSON, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

1   *Be it enacted by the Senate and House of Representa-*

2   *tives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Treatment for HIV Act of 2009".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking "or" at the end of subclause (XVIII);

(B) by adding "or" at the end of subclause (XIX); and

(C) by adding at the end the following:

"(XX) who are described in subsection (dd) (relating to HIV-infected individuals);"; and

(2) by adding at the end the following:

"(dd) individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

"(1) who have HIV infection;

"(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

1 ''(3) whose resources (as determined under the

2 State plan under this title with respect to disabled

3 individuals) do not exceed the maximum amount of

4 resources a disabled individual described in sub-

5 section (a)(10)(A)(i) may have and obtain medical

6 assistance under the plan.''.

7 (b) ENHANCED MATCH.—The first sentence of sec-

8 tion 1905(b) of the Social Security Act (42 U.S.C.

9 1396d(b)) is amended by striking ''section

10 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause

11 (XVIII) or (XX) of section 1902(a)(10)(A)(ii)''.

12 (c) CONFORMING AMENDMENTS.—Section 1905(a) of

13 the Social Security Act (42 U.S.C. 1396d(a)) is amended

14 in the matter preceding paragraph (1)—

15 (1) by striking ''or'' at the end of clause (xii);

16 (2) by adding ''or'' at the end of clause (xiii);

17 and

18 (3) by inserting after clause (xiii) the following:

19 ''(xiv) individuals described in section

20 1902(dd);''.

21 (d) EXEMPTION FROM FUNDING LIMITATION FOR

22 TERRITORIES.—Section 1108(g) of the Social Security

23 Act (42 U.S.C. 1308(g)) is amended by adding at the end

24 the following:

1   "(4) DISREGARDING MEDICAL ASSISTANCE FOR

2   OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-

3   UALS.—The limitations under subsection (f) and the

4   previous provisions of this subsection shall not apply

5   to amounts expended for medical assistance for indi-

6   viduals described in section 1902(dd) who are only

7   eligible for such assistance on the basis of section

8   1902(a)(10)(A)(ii)(XX).".

9   (e) EFFECTIVE DATE.—The amendments made by

10 this section shall apply to calendar quarters beginning on

11 or after the date of the enactment of this Act, without

12 regard to whether or not final regulations to carry out

13 such amendments have been promulgated by such date.

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