

112TH CONGRESS
1ST SESSION

H. R. 439

To provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2011

Mr. WELCH 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 provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, 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 “State Leadership in
5 Health Care Act”.

1 **SEC. 2. EARLIER START FOR STATE HEALTH CARE COV-**
2 **ERAGE INNOVATION WAIVERS.**

3 (a) IN GENERAL.—Section 1332 of the Patient Pro-
4 tection and Affordable Care Act (42 U.S.C. 18052) is
5 amended—

6 (1) in subsection (a)(1), by striking “January
7 1, 2017” and inserting “January 1, 2014”; and

8 (2) by amending subsection (e) to read as fol-
9 lows:

10 “(e) TERM OF WAIVER.—

11 “(1) IN GENERAL.—No waiver under this sec-
12 tion may extend over a period of more than 5 years
13 unless the State requests continuation of such waiv-
14 er and such request is granted by the Secretary
15 under paragraph (2).

16 “(2) APPROVAL OF REQUEST.—

17 “(A) IN GENERAL.—A request under para-
18 graph (1) shall be deemed granted unless the
19 Secretary, not later than 90 days after the date
20 of submission to the Secretary of such request,
21 either denies such request in writing or informs
22 the State in writing with respect to any addi-
23 tional information that is needed in order to
24 make a final determination with respect to the
25 request.

1 “(B) DENIAL OF REQUEST.—The Sec-
2 retary may deny such a request only if the Sec-
3 retary—

4 “(i) determines that the State plan
5 under the waiver to be continued did not
6 meet the requirements under subsection
7 (b);

8 “(ii) notifies the State in writing of
9 the requirements under subsection (b) that
10 the State plan did not meet and provides
11 to the State the information used by the
12 Secretary in making that determination;
13 and

14 “(iii) provides the State with an op-
15 portunity to appeal such determination and
16 provide information as to how such re-
17 quirements were met.

18 “(C) RECONSIDERATION OF REQUEST.—In
19 the case of an appeal described in subparagraph
20 (B)(iii), the Secretary shall consider any infor-
21 mation provided under such clause and recon-
22 sider the determination made under subpara-
23 graph (B)(i), and shall issue a written decision
24 on such appeal not later than 60 days after the
25 date on which the Secretary receives notice of

1 such appeal. The Secretary shall grant the re-
2 quest if the Secretary determines upon recon-
3 sideration that the State plan meets such re-
4 quirements.”.

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