

111TH CONGRESS
1ST SESSION

S. 1267

To amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant women and low-income families with young children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2009

Mr. MENENDEZ (for himself and Mr. CASEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant women and low-income families with young children, 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 “Evidence-Based Home
5 Visitation Act of 2009”.

1 **SEC. 2. GRANTS FOR QUALITY HOME VISITATION PRO-**
2 **GRAMS FOR LOW-INCOME PREGNANT WOMEN**
3 **AND LOW-INCOME FAMILIES WITH YOUNG**
4 **CHILDREN.**

5 Title V of the Social Security Act (42 U.S.C. 701
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 511. SEPARATE PROGRAM OF HOME VISITATION FOR**
8 **LOW-INCOME PREGNANT WOMEN AND LOW-**
9 **INCOME FAMILIES WITH YOUNG CHILDREN.**

10 “(a) **PURPOSE.**—The purpose of this section is to im-
11 prove the well-being and development of children by ena-
12 bling the establishment and expansion of quality programs
13 providing voluntary home visitation services to low-income
14 pregnant women and low-income families with young chil-
15 dren.

16 “(b) **ACTIVITIES.**—The Secretary shall take all nec-
17 essary steps to accomplish the purposes of this section,
18 including the following:

19 “(1) **COMPETITIVE PLANNING GRANTS.**—The
20 Secretary shall award planning and start-up grants
21 to local agencies to help them qualify for operating
22 grants described in paragraph (2).

23 “(2) **COMPETITIVE OPERATING GRANTS.**—The
24 Secretary shall award operating grants to local agen-
25 cies to provide home visitation services to low-income

1 pregnant women or low-income families with young
2 children, consistent with the following:

3 “(A) ELIGIBILITY.—To receive an oper-
4 ating grant, a local agency must meet all re-
5 quirements established by the Secretary, includ-
6 ing the following:

7 “(i) IMPLEMENTATION OF AN AP-
8 PROVED MODEL.—The local agency shall
9 provide services consistent with a model of
10 home visitation that the Secretary has ap-
11 proved as having demonstrated significant
12 positive effects on important program-de-
13 termined child and parent outcomes, such
14 as reducing abuse and neglect, improving
15 prenatal health, improving child health and
16 development, improving school readiness,
17 reducing juvenile delinquency, and improv-
18 ing family economic self-sufficiency.

19 “(ii) ACCREDITATION.—If the local
20 agency proposes to implement an approved
21 model of home visitation, the local agency
22 must abide by the requirements, if any, of
23 the national or regional home visitation
24 program model identified by the Secretary,

1 to ensure the agency is capable of pro-
2 viding services consistent with the model.

3 “(iii) STATE OR LOCAL MATCH.—The
4 Secretary shall have the authority to estab-
5 lish State or local matching requirements
6 as a condition for receiving a grant under
7 this section, which may include in-kind
8 contributions and payments made to the
9 State under section 1903(a) for providing
10 home visitation services (as defined in sec-
11 tion 1943(b)(2)) under the State plan
12 under title XIX, and may include a waiver
13 based on economic hardship.

14 “(B) ALLOCATION.—

15 “(i) PRIORITY FUNDING FOR PRO-
16 GRAMS WITH STRONGEST EVIDENCE.—In
17 awarding operating grants during a fiscal
18 year, the Secretary shall allot the largest
19 feasible percentage of grant funding to
20 local agencies that implement home visita-
21 tion models that are supported by the
22 strongest evidence of effectiveness.

23 “(ii) DISTRIBUTION.—In awarding
24 operating grants, the Secretary shall take

1 into account the distribution of low-income
2 families with young children by geography.

3 “(3) MODEL APPROACH.—The Secretary, acting
4 through the Director of the Centers for Disease
5 Control and Prevention, shall determine whether to
6 approve a model of home visitation services as quali-
7 fying in either or both of the following categories:

8 “(A) Meeting the requirements for Secre-
9 tarial approval described in paragraph
10 (2)(A)(i).

11 “(B) Being supported by the strongest evi-
12 dence of effectiveness.

13 “(4) RESEARCH.—

14 “(A) IN GENERAL.—The Secretary shall
15 fund an ongoing program of research to accom-
16 plish the following goals:

17 “(i) Establishing the strongest evi-
18 dence of effectiveness for a home visitation
19 model that has not yet been found to have
20 such evidence.

21 “(ii) In the case of an approved home
22 visitation model, furthering improvements
23 of such model, facilitating effective and ef-
24 ficient replication of the model, and facili-
25 tating adaptations of the model.

1 “(B) REQUIREMENT.—Evaluations funded
2 under clauses (i) and (ii) of subparagraph (A)
3 shall be specific to each approved model of
4 home visitation and shall include evaluations of
5 program outcomes for each home visitation pro-
6 gram model separately.

7 “(5) ADMINISTRATION.—The Secretary shall
8 perform, either directly or through a private con-
9 tractor, the following administrative functions de-
10 scribed in subparagraph (A):

11 “(A) ADMINISTRATIVE FUNCTIONS.—The
12 administrative functions described in this sub-
13 paragraph shall include—

14 “(i) helping a local agency that re-
15 ceives a planning grant qualify for an oper-
16 ating grant;

17 “(ii) providing training and technical
18 assistance to local agencies that receive
19 planning or operating grants; and

20 “(iii) conducting quality assurance
21 and quality improvement activities with re-
22 spect to local agencies that receive plan-
23 ning or operating grants.

1 “(B) CONTRACTING REQUIREMENTS.—In
2 electing whether to employ a contractor and in
3 selecting a contractor—

4 “(i) the Secretary shall make such
5 election and selection separately with re-
6 spect to each approved model of home visi-
7 tation; and

8 “(ii) the Secretary shall contract with
9 a private organization to perform the func-
10 tion if, for a fixed amount of administra-
11 tive dollars, greater fidelity to the approved
12 model of home visitation is likely to result
13 than if the responsibilities are carried out
14 by the Secretary directly.

15 “(c) OTHER PROVISIONS.—

16 “(1) REGULATIONS.—The Secretary shall pro-
17 mulgate such regulations or guidance as the Sec-
18 retary determines necessary for the effective imple-
19 mentation of this section not later than 1 year fol-
20 lowing the date of enactment of this Act.

21 “(2) NATIONAL ADVISORY BOARD.—The Sec-
22 retary shall establish and meet periodically with a
23 national advisory board to seek advice about major
24 policy issues involved in implementing this section.

1 “(3) TREATMENT OF ASSISTANCE.—No funding
2 or services provided to low-income families under
3 this section shall be considered—

4 “(A) taxable income to the families who re-
5 ceive services; or

6 “(B) income or resources countable in de-
7 termining eligibility for, or the amount of, any
8 public benefit provided under Federal law or
9 the law of any State or political subdivision
10 thereof.

11 “(4) EVALUATION.—The Secretary shall con-
12 duct, by grant, contract, or interagency agreement,
13 a comprehensive, independent evaluation of the serv-
14 ices provided with grants awarded under this sec-
15 tion, including the cost and effectiveness of such
16 services. The independent evaluation conducted
17 under this section shall be specific to each approved
18 program model of home visitation and shall include
19 program outcomes for each home visitation model
20 separately. By not later than 3 years after the date
21 of enactment of this section, the Secretary shall sub-
22 mit to Congress a report on such evaluation.

23 “(d) DEFINITIONS.—In this section:

24 “(1) LOCAL AGENCY.—The term ‘local agency’
25 may include a unit of State, local, county, or city

1 government, an Indian tribe or tribal organization,
2 or a non-governmental organization.

3 “(2) LOW-INCOME.—The term ‘low-income’
4 means individuals whose family income does not ex-
5 ceed 200 percent of the poverty line for a family of
6 the size involved. Low-income shall also include chil-
7 dren and families whose income did not exceed 200
8 percent of the Federal poverty level for a family of
9 the size involved when they began receiving a course
10 of home visitation services but whose income exceed-
11 ed the allowable amount during the course of receiv-
12 ing home visitation services.

13 “(3) POVERTY LINE.—The term ‘poverty line’
14 has the meaning given such term in section 673(2)
15 of the Community Services Block Grant Act (42
16 U.S.C. 9902(2)), including any revision required by
17 such section.

18 “(4) STRONGEST EVIDENCE OF EFFECTIVE-
19 NESS.—The term ‘strongest evidence of effective-
20 ness’ means, with respect to a model of home visita-
21 tion, that rigorous, scientific evaluations dem-
22 onstrate sizable, sustained effects on important out-
23 comes in at least 3 of the following 5 areas:

24 “(A) Prenatal, maternal, and newborn
25 health.

1 “(B) Child health and development (in-
2 cluding prevention of injuries and maltreat-
3 ment).

4 “(C) School readiness and academic
5 achievement.

6 “(D) Juvenile delinquency.

7 “(E) Family economic self-sufficiency.

8 “(5) INDIAN TRIBE; TRIBAL ORGANIZATION.—
9 The terms ‘Indian tribe’ and ‘tribal organization’
10 have the meanings given such terms in section 4 of
11 the Indian Self-Determination and Education Assist-
12 ance Act (25 U.S.C. 450b).

13 “(e) APPROPRIATIONS.—Out of any money in the
14 Treasury not otherwise appropriated, there is appro-
15 priated to the Secretary to carry out this section—

16 “(1) \$100,000,000 for fiscal year 2010;

17 “(2) \$250,000,000 for fiscal year 2011;

18 “(3) \$400,000,000 for fiscal year 2012;

19 “(4) \$550,000,000 for fiscal year 2013; and

20 “(5) \$700,000,000 for fiscal year 2014.”.

21 **SEC. 3. MEDICAID OPTION FOR SIMPLIFIED BILLING BY AP-**
22 **PROVED HOME VISITATION AGENCIES.**

23 (a) STATE PLAN AMENDMENT.—Section 1902(a) of
24 the Social Security Act (42 U.S.C. 1396a(a)) is amend-
25 ed—

1 (1) in paragraph (72), by striking “and” at the
2 end;

3 (2) in paragraph (73), by striking the period at
4 the end and inserting “; and”; and

5 (3) by inserting after paragraph (73) the fol-
6 lowing:

7 “(74) at the option of the State, provide for
8 simplified billing by approved home visitation agen-
9 cies under section 1943.”.

10 (b) SIMPLIFIED BILLING BY APPROVED HOME VISI-
11 TATION AGENCIES.—Title XIX of such Act is amended
12 by adding at the end the following:

13 “SEC. 1943. SIMPLIFIED BILLING BY APPROVED
14 HOME VISITATION AGENCIES.—

15 “(a) IN GENERAL.—A State electing the option de-
16 scribed in this Section may permit an approved home visi-
17 tation agency to use a simplified method to submit claims
18 for payment for home visitation services, but only to the
19 extent that such services are covered under the State plan.

20 “(b) DEFINITIONS.—In this section:

21 “(1) APPROVED HOME VISITATION AGENCY.—
22 The term ‘approved home visitation agency’ means
23 a local agency with an operating grant under section
24 511(b)(2).

1 “(2) HOME VISITATION SERVICES.—The term
2 ‘home visitation services’ means services provided
3 consistently with the approved model of home visita-
4 tion services that is being implemented by the local
5 agency described in paragraph (1) and that are cov-
6 ered under the State plan.

7 “(3) SIMPLIFIED METHOD TO SUBMIT CLAIMS
8 FOR PAYMENT.—The term ‘simplified method to
9 submit claims for payment’ means a billing method
10 through which an approved home visitation agency
11 submits claims based on the weighted average cost
12 per visit of providing, through the approved model of
13 home visitation services being implemented by such
14 agency, home visitation services.

15 “(c) NO EXPANSION OF COVERED SERVICES.—Noth-
16 ing in this section shall be construed to authorize the pro-
17 vision of, or payment for, home visitation or other services
18 under this title that are not covered under the State
19 plan.”.

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