

Thurs 7/30
8:17am
b

Markey 5
Division B

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

Add at the end of subtitle D of title VII of division
B the following:

1 **SEC. 1734. CONTINUING REQUIREMENT OF MEDICAID COV-**
2 **ERAGE OF NON-EMERGENCY TRANSPOR-**
3 **TATION TO MEDICALLY NECESSARY SERV-**
4 **ICES.**

5 (a) **REQUIREMENT.**—Section 1902(a)(10) of the So-
6 cial Security Act (42 U.S.C. 1396a(a)(10)) is amended—

7 (1) in subparagraph (A), in the matter pre-
8 ceding clause (i), by striking “and (21)” and insert-
9 ing “, (21), and (28)”;

10 (2) in subparagraph (C)(iv), by striking “and
11 (17)” and inserting “, (17), and (28)”.

12 (b) **DESCRIPTION OF SERVICES.**—Section 1905(a) of
13 such Act (42 U.S.C. 1395d(a)) is amended—

14 (1) in paragraph (27), by striking “and” at the
15 end;

16 (2) by redesignating paragraph (28) as
17 pararaph (29) and by striking the comma at the end
18 and inserting a semicolon; and

1 (3) by inserting after paragraph (27) the
2 following new paragraph:

3 “(28) non-emergency transportation to medi-
4 cally necessary services, consistent with the require-
5 ment of section 431.53 of title 42, Code of Federal
6 Regulations, as in effect as of June 1, 2008; and”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act and shall apply to transportation on or after
10 such date.



Wed 7/29
2:08 pm
B

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. ENGEL OF NEW YORK AND
MRS. CAPPS OF CALIFORNIA**

(AINS-EC_001)

Add at the end of subtitle C of title VII of division
B the following:

1 **SEC. 1726. QUALITY MEASURES FOR MATERNITY AND**
2 **ADULT HEALTH SERVICES UNDER MEDICAID**
3 **AND CHIP.**

4 Title XI of the Social Security Act (42 U.S.C. 1301
5 et seq.) is amended by inserting after section 1139A the
6 following new section:

7 **“SEC. 1139B. QUALITY MEASURES FOR MATERNITY AND**
8 **ADULT HEALTH SERVICES UNDER MEDICAID**
9 **AND CHIP.**

10 **“(a) MATERNITY CARE QUALITY MEASURES UNDER**
11 **MEDICAID AND CHIP.—**

12 **“(1) DEVELOPMENT OF MEASURES.—**No later
13 than January 1, 2011, the Secretary shall develop
14 and publish for comment a proposed set of measures
15 that accurately describe the quality of maternity
16 care provided under State plans under titles XIX

1 and XXI. The Secretary shall publish a final rec-
2 ommended set of such measures no later than July
3 1, 2011.

4 “(2) STANDARDIZED REPORTING FORMAT.—No
5 later than January 1, 2012, the Secretary shall de-
6 velop and publish a standardized reporting format
7 for maternity care quality measures for use by State
8 programs under titles XIX and XXI to collect data
9 from managed care entities and providers and prac-
10 titioners that participate in such programs and to
11 report maternity care quality measures to the Sec-
12 retary.

13 “(b) OTHER ADULT HEALTH QUALITY MEASURES
14 UNDER MEDICAID.—

15 “(1) DEVELOPMENT OF MEASURES.—The Sec-
16 retary shall develop quality measures that are not
17 otherwise developed under section 1192 for services
18 received under State plans under title XIX by indi-
19 viduals who are 21 years of age or older but have
20 not attained age 65. The Secretary shall publish
21 such quality measures through notice and comment
22 rulemaking.

23 “(2) STANDARDIZED REPORTING FORMAT.—
24 The Secretary shall develop and publish a standard-
25 ized reporting format for quality measures developed

1 under paragraph (1) and section 1192 for services
2 furnished under State plans under title XIX to indi-
3 viduals who are 21 years of age or older but have
4 not attained age 65 for use under such plans and
5 State plans under title XXI. The format shall enable
6 State agencies administering such plans to collect
7 data from managed care entities and providers and
8 practitioners that participate in such plans and to
9 report quality measures to the Secretary.

10 “(c) DEVELOPMENT PROCESS.—With respect to the
11 development of quality measures under subsections (a)
12 and (b)—

13 “(1) USE OF QUALIFIED ENTITIES.—The Sec-
14 retary may enter into agreements with public, non-
15 profit, or academic institutions with technical exper-
16 tise in the area of health quality measurement to as-
17 sist in such development. The Secretary may carry
18 out these agreements by contract, grant, or other-
19 wise.

20 “(2) MULTI-STAKEHOLDER PRE-RULEMAKING
21 INPUT.—The Secretary shall obtain the input of
22 stakeholders with respect to such quality measures
23 using a process similar to that described in section
24 1808(d).

1 “(3) COORDINATION.—The Secretary shall co-
2 ordinate the development of such measures under
3 such subsections and with the development of child
4 health quality measures under section 1139A.

5 “(d) ANNUAL REPORT TO CONGRESS.—No later than
6 January 1, 2013, and annually thereafter, the Secretary
7 shall report to the Committee on Energy and Commerce
8 of the House of Representatives the Committee on Fi-
9 nance of the Senate regarding—

10 “(1) the availability of reliable data relating to
11 the quality of maternity care furnished under State
12 plans under titles XIX and XXI;

13 “(2) the availability of reliable data relating to
14 the quality of services furnished under State plans
15 under title XIX to adults who are 21 years of age
16 or older but have not attained age 65; and

17 “(3) recommendations for improving the quality
18 of such care and services furnished under such State
19 plans.

20 “(e) RULE OF CONSTRUCTION.—Notwithstanding
21 any other provision in this section, no quality measure de-
22 veloped, published, or used as a basis of measurement or
23 reporting under this section may be used to establish an
24 irrefutable presumption regarding either the medical ne-
25 cessity of care or the maximum permissible coverage for

1 any individual who receives medical assistance under title
2 XIX or child health assistance under title XXI.

3 “(f) APPROPRIATION.—For purposes of carrying out
4 this section, in addition to funds otherwise available, out
5 of any funds in the Treasury not otherwise appropriated,
6 there are appropriated \$40,000,000 for the 5-fiscal-year
7 period beginning with fiscal year 2010. Funds appro-
8 priated under this subsection shall remain available until
9 expended.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. ENGEL OF NEW YORK AND MS.
SCHAKOWSKY OF ILLINOIS**

(AINS-EC_001)

At the end of subtitle C of title VII of division B,
add the following:

1 **SEC. 1715. REQUIRING MEDICAID COVERAGE OF PROFES-**
2 **SIONAL MEDICAL SERVICES OF OPTOM-**
3 **ETRISTS.**

4 (a) **IN GENERAL.**—Section 1905(a)(5) of the Social
5 Security Act (42 U.S.C. 1396d(a)(5)) is amended—

6 (1) by striking “and” before “(B)”; and

7 (2) by inserting before the semicolon at the end
8 the following: “, and (C) medical and other health
9 services (as defined in section 1861(s)) as authorized
10 by State law, furnished by an optometrist (described
11 in section 1861(r)(4)) to the extent such services
12 may be performed under State law”.

13 (b) **EFFECTIVE DATE.**—

14 (1) **IN GENERAL.**—Except as provided in para-
15 graph (2), the amendments made by subsection (a)
16 shall take effect 90 days after the date of the enact-

1 ment of this Act and shall apply to services fur-
2 nished or other actions required on or after such
3 date.

4 (2) EXCEPTION IF STATE LEGISLATION RE-
5 QUIRED.—In the case of a State plan for medical as-
6 sistance under title XIX of the Social Security Act
7 which the Secretary of Health and Human Services
8 determines requires State legislation (other than leg-
9 islation appropriating funds) in order for the plan to
10 meet the additional requirements made by the
11 amendments made by subsection (a), the State plan
12 shall not be regarded as failing to comply with the
13 requirements of such title solely on the basis of its
14 failure to meet these additional requirements before
15 the first day of the first calendar quarter beginning
16 after the close of the first regular session of the
17 State legislature that begins after the date of enact-
18 ment of this Act. For purposes of the previous sen-
19 tence, in the case of a State that has a 2-year legis-
20 lative session, each year of such session shall be
21 deemed to be a separate regular session of the State
22 legislature.

