

1           (3) *USE OF REVISED CROSSWALK.*—For purposes  
2 of paragraph (2), any revised crosswalk shall be treat-  
3 ed as a code set for which a standard has been adopt-  
4 ed by the Secretary for purposes of section  
5 1173(c)(1)(B) of the Social Security Act (42 U.S.C.  
6 1320d–2(c)(1)(B)).

7           (4) *SUBSEQUENT CROSSWALKS.*—For subsequent  
8 revisions of the International Classification of Dis-  
9 eases that are adopted by the Secretary as a standard  
10 code set under section 1173(c) of the Social Security  
11 Act (42 U.S.C. 1320d–2(c)), the Secretary shall, after  
12 consultation with the appropriate stakeholders, post  
13 on the website of the Centers for Medicare & Medicaid  
14 Services a crosswalk between the previous and subse-  
15 quent version of the International Classification of  
16 Diseases not later than the date of implementation of  
17 such subsequent revision.

18       ***Subtitle B—Provisions Relating to***  
19                               ***Title II***

20                               ***PART I—MEDICAID AND CHIP***

21       ***SEC. 10201. AMENDMENTS TO THE SOCIAL SECURITY ACT***  
22                               ***AND TITLE II OF THIS ACT.***

23           (a)(1) Section 1902(a)(10)(A)(i)(IX) of the Social Se-  
24 curity Act (42 U.S.C. 1396a(a)(10)(A)(i)(IX)), as added by  
25 section 2004(a), is amended to read as follows:

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“(IX) who—

“(aa) are under 26 years of age;

“(bb) are not described in or enrolled under any of subclauses (I) through (VII) of this clause or are described in any of such subclauses but have income that exceeds the level of income applicable under the State plan for eligibility to enroll for medical assistance under such subclause;

“(cc) were in foster care under the responsibility of the State on the date of attaining 18 years of age or such higher age as the State has elected under section 475(8)(B)(iii); and

“(dd) were enrolled in the State plan under this title or under a waiver of the plan while in such foster care;”.

23 (2) Section 1902(a)(10) of the Social Security Act (42  
24 U.S.C. 1396a(a)(10), as amended by section 2001(a)(5)(A),  
25 is amended in the matter following subparagraph (G), by

1 *striking “and (XV)” and inserting “(XV)”, and by insert-*  
2 *ing “and (XVI) if an individual is described in subclause*  
3 *(IX) of subparagraph (A)(i) and is also described in sub-*  
4 *clause (VIII) of that subparagraph, the medical assistance*  
5 *shall be made available to the individual through subclause*  
6 *(IX) instead of through subclause (VIII)” before the semi-*  
7 *colon.*

8       (3) *Section 2004(d) of this Act is amended by striking*  
9 *“2019” and inserting “2014”.*

10       (b) *Section 1902(k)(2) of the Social Security Act (42*  
11 *U.S.C. 1396a(k)(2)), as added by section 2001(a)(4)(A), is*  
12 *amended by striking “January 1, 2011” and inserting*  
13 *“April 1, 2010”.*

14       (c) *Section 1905 of the Social Security Act (42 U.S.C.*  
15 *1396d), as amended by sections 2001(a)(3), 2001(a)(5)(C),*  
16 *2006, and 4107(a)(2), is amended—*

17               (1) *in subsection (a), in the matter preceding*  
18 *paragraph (1), by inserting in clause (xiv), “or*  
19 *1902(a)(10)(A)(i)(IX)” before the comma;*

20               (2) *in subsection (b), in the first sentence, by in-*  
21 *serting “, (z),” before “and (aa)”;*

22               (3) *in subsection (y)—*

23                       (A) *in paragraph (1)(B)(ii)(II), in the first*  
24 *sentence, by inserting “includes inpatient hos-*

1            *pital services,” after “100 percent of the poverty*  
2            *line, that”;* and

3            (B) in paragraph (2)(A), by striking “on  
4            *the date of enactment of the Patient Protection*  
5            *and Affordable Care Act” and inserting “as of*  
6            *December 1, 2009”;*

7            (4) by inserting after subsection (y) the fol-  
8            *lowing:*

9            “(z) *EQUITABLE SUPPORT FOR CERTAIN STATES.—*

10            “(1)(A) *During the period that begins on Janu-*  
11            *ary 1, 2014, and ends on September 30, 2019, not-*  
12            *withstanding subsection (b), the Federal medical as-*  
13            *sistance percentage otherwise determined under sub-*  
14            *section (b) with respect to a fiscal year occurring dur-*  
15            *ing that period shall be increased by 2.2 percentage*  
16            *points for any State described in subparagraph (B)*  
17            *for amounts expended for medical assistance for indi-*  
18            *viduals who are not newly eligible (as defined in sub-*  
19            *section (y)(2)) individuals described in subclause*  
20            *(VIII) of section 1902(a)(10)(A)(i).*

21            “(B) *For purposes of subparagraph (A), a State*  
22            *described in this subparagraph is a State that—*

23            “(i) *is an expansion State described in sub-*  
24            *section (y)(1)(B)(ii)(II);*

1           “(i) the Secretary determines will not re-  
2           ceive any payments under this title on the basis  
3           of an increased Federal medical assistance per-  
4           centage under subsection (y) for expenditures for  
5           medical assistance for newly eligible individuals  
6           (as so defined); and

7           “(iii) has not been approved by the Sec-  
8           retary to divert a portion of the DSH allotment  
9           for a State to the costs of providing medical as-  
10          sistance or other health benefits coverage under a  
11          waiver that is in effect on July 2009.

12          “(2)(A) During the period that begins on January 1,  
13          2014, and ends on December 31, 2016, notwithstanding sub-  
14          section (b), the Federal medical assistance percentage other-  
15          wise determined under subsection (b) with respect to all or  
16          any portion of a fiscal year occurring during that period  
17          shall be increased by .5 percentage point for a State de-  
18          scribed in subparagraph (B) for amounts expended for med-  
19          ical assistance under the State plan under this title or  
20          under a waiver of that plan during that period.

21          “(B) For purposes of subparagraph (A), a State de-  
22          scribed in this subparagraph is a State that—

23                  “(i) is described in clauses (i) and (ii) of para-  
24                  graph (1)(B); and

1           “(ii) is the State with the highest percentage of  
2           its population insured during 2008, based on the Cur-  
3           rent Population Survey.

4           “(3) Notwithstanding subsection (b) and paragraphs  
5 (1) and (2) of this subsection, the Federal medical assist-  
6           ance percentage otherwise determined under subsection (b)  
7           with respect to all or any portion of a fiscal year that begins  
8           on or after January 1, 2017, for the State of Nebraska, with  
9           respect to amounts expended for newly eligible individuals  
10          described in subclause (VIII) of section 1902(a)(10)(A)(i),  
11          shall be determined as provided for under subsection  
12          (y)(1)(A) (notwithstanding the period provided for in such  
13          paragraph).

14          “(4) The increase in the Federal medical assistance  
15          percentage for a State under paragraphs (1), (2), or (3)  
16          shall apply only for purposes of this title and shall not  
17          apply with respect to—

18                 “(A) disproportionate share hospital payments  
19                 described in section 1923;

20                 “(B) payments under title IV;

21                 “(C) payments under title XXI; and

22                 “(D) payments under this title that are based on  
23                 the enhanced FMAP described in section 2105(b).”;

24                 (5) in subsection (aa), is amended by striking  
25                 “without regard to this subsection and subsection (y)”

1       and inserting “without regard to this subsection, sub-  
2       section (y), subsection (z), and section 10202 of the  
3       Patient Protection and Affordable Care Act” each  
4       place it appears;

5               (6) by adding after subsection (bb), the following:

6       “(cc) *REQUIREMENT FOR CERTAIN STATES.*—Notwith-  
7       standing subsections (y), (z), and (aa), in the case of a State  
8       that requires political subdivisions within the State to con-  
9       tribute toward the non-Federal share of expenditures re-  
10      quired under the State plan under section 1902(a)(2), the  
11      State shall not be eligible for an increase in its Federal  
12      medical assistance percentage under such subsections if it  
13      requires that political subdivisions pay a greater percentage  
14      of the non-Federal share of such expenditures, or a greater  
15      percentage of the non-Federal share of payments under sec-  
16      tion 1923, than the respective percentages that would have  
17      been required by the State under the State plan under this  
18      title, State law, or both, as in effect on December 31, 2009,  
19      and without regard to any such increase. Voluntary con-  
20      tributions by a political subdivision to the non-Federal  
21      share of expenditures under the State plan under this title  
22      or to the non-Federal share of payments under section 1923,  
23      shall not be considered to be required contributions for pur-  
24      poses of this subsection. The treatment of voluntary con-  
25      tributions, and the treatment of contributions required by

1 *a State under the State plan under this title, or State law,*  
2 *as provided by this subsection, shall also apply to the in-*  
3 *creases in the Federal medical assistance percentage under*  
4 *section 5001 of the American Recovery and Reinvestment*  
5 *Act of 2009.”.*

6 *(d) Section 1108(g)(4)(B) of the Social Security Act*  
7 *(42 U.S.C. 1308(g)(4)(B)), as added by section 2005(b), is*  
8 *amended by striking “income eligibility level in effect for*  
9 *that population under title XIX or under a waiver” and*  
10 *inserting “the highest income eligibility level in effect for*  
11 *parents under the commonwealth’s or territory’s State plan*  
12 *under title XIX or under a waiver of the plan”.*

13 *(e)(1) Section 1923(f) of the Social Security Act (42*  
14 *U.S.C. 1396r-4(f)), as amended by section 2551, is amend-*  
15 *ed—*

16 *(A) in paragraph (6)—*

17 *(i) by striking the paragraph heading and*  
18 *inserting the following: “ALLOTMENT ADJUST-*  
19 *MENTS”; and*

20 *(ii) in subparagraph (B), by adding at the*  
21 *end the following:*

22 *“(iii) ALLOTMENT FOR 2D, 3RD, AND*  
23 *4TH QUARTER OF FISCAL YEAR 2012, FISCAL*  
24 *YEAR 2013, AND SUCCEEDING FISCAL*



1                   YEARS.—Notwithstanding the table set forth  
2                   in paragraph (2) or paragraph (7):

3                   “(I) 2D, 3RD, AND 4TH QUARTER  
4                   OF FISCAL YEAR 2012.—The DSH allot-  
5                   ment for Hawaii for the 2d, 3rd, and  
6                   4th quarters of fiscal year 2012 shall  
7                   be \$7,500,000.

8                   “(II) TREATMENT AS A LOW-DSH  
9                   STATE FOR FISCAL YEAR 2013 AND SUC-  
10                  CEEDING FISCAL YEARS.—With respect  
11                  to fiscal year 2013, and each fiscal  
12                  year thereafter, the DSH allotment for  
13                  Hawaii shall be increased in the same  
14                  manner as allotments for low DSH  
15                  States are increased for such fiscal  
16                  year under clause (iii) of paragraph  
17                  (5)(B).

18                  “(III) CERTAIN HOSPITAL PAY-  
19                  MENTS.—The Secretary may not im-  
20                  pose a limitation on the total amount  
21                  of payments made to hospitals under  
22                  the QUEST section 1115 Demonstra-  
23                  tion Project except to the extent that  
24                  such limitation is necessary to ensure  
25                  that a hospital does not receive pay-

1            *ments in excess of the amounts de-*  
2            *scribed in subsection (g), or as nec-*  
3            *essary to ensure that such payments*  
4            *under the waiver and such payments*  
5            *pursuant to the allotment provided in*  
6            *this clause do not, in the aggregate in*  
7            *any year, exceed the amount that the*  
8            *Secretary determines is equal to the*  
9            *Federal medical assistance percentage*  
10           *component attributable to dispropor-*  
11           *tionate share hospital payment adjust-*  
12           *ments for such year that is reflected in*  
13           *the budget neutrality provision of the*  
14           *QUEST Demonstration Project.”; and*

15           *(B) in paragraph (7)—*

16           *(i) in subparagraph (A), in the matter pre-*  
17           *ceding clause (i), by striking “subparagraph*  
18           *(E)” and inserting “subparagraphs (E) and*  
19           *(G)”;*

20           *(ii) in subparagraph (B)—*

21           *(I) in clause (i), by striking subclauses*  
22           *(I) and (II), and inserting the following:*

23           *“(I) if the State is a low DSH*  
24           *State described in paragraph (5)(B)*  
25           *and has spent not more than 99.90*

1                   *percent of the DSH allotments for the*  
2                   *State on average for the period of fiscal*  
3                   *years 2004 through 2008, as of Sep-*  
4                   *tember 30, 2009, the applicable per-*  
5                   *centage is equal to 25 percent;*

6                   *“(II) if the State is a low DSH*  
7                   *State described in paragraph (5)(B)*  
8                   *and has spent more than 99.90 percent*  
9                   *of the DSH allotments for the State on*  
10                  *average for the period of fiscal years*  
11                  *2004 through 2008, as of September*  
12                  *30, 2009, the applicable percentage is*  
13                  *equal to 17.5 percent;*

14                  *“(III) if the State is not a low*  
15                  *DSH State described in paragraph*  
16                  *(5)(B) and has spent not more than*  
17                  *99.90 percent of the DSH allotments*  
18                  *for the State on average for the period*  
19                  *of fiscal years 2004 through 2008, as of*  
20                  *September 30, 2009, the applicable*  
21                  *percentage is equal to 50 percent; and*

22                  *“(IV) if the State is not a low*  
23                  *DSH State described in paragraph*  
24                  *(5)(B) and has spent more than 99.90*  
25                  *percent of the DSH allotments for the*

1           *State on average for the period of fiscal*  
2           *years 2004 through 2008, as of Sep-*  
3           *tember 30, 2009, the applicable per-*  
4           *centage is equal to 35 percent.”;*

5           *(II) in clause (ii), by striking sub-*  
6           *clauses (I) and (II), and inserting the fol-*  
7           *lowing:*

8                   *“(I) if the State is a low DSH*  
9                   *State described in paragraph (5)(B)*  
10                  *and has spent not more than 99.90*  
11                  *percent of the DSH allotments for the*  
12                  *State on average for the period of fiscal*  
13                  *years 2004 through 2008, as of Sep-*  
14                  *tember 30, 2009, the applicable per-*  
15                  *centage is equal to the product of the*  
16                  *percentage reduction in uncovered in-*  
17                  *dividuals for the fiscal year from the*  
18                  *preceding fiscal year and 27.5 percent;*

19                   *“(II) if the State is a low DSH*  
20                   *State described in paragraph (5)(B)*  
21                   *and has spent more than 99.90 percent*  
22                   *of the DSH allotments for the State on*  
23                   *average for the period of fiscal years*  
24                   *2004 through 2008, as of September*  
25                   *30, 2009, the applicable percentage is*

1           *equal to the product of the percentage*  
2           *reduction in uncovered individuals for*  
3           *the fiscal year from the preceding fiscal*  
4           *year and 20 percent;*

5           *“(III) if the State is not a low*  
6           *DSH State described in paragraph*  
7           *(5)(B) and has spent not more than*  
8           *99.90 percent of the DSH allotments*  
9           *for the State on average for the period*  
10          *of fiscal years 2004 through 2008, as of*  
11          *September 30, 2009, the applicable*  
12          *percentage is equal to the product of*  
13          *the percentage reduction in uncovered*  
14          *individuals for the fiscal year from the*  
15          *preceding fiscal year and 55 percent;*  
16          *and*

17          *“(IV) if the State is not a low*  
18          *DSH State described in paragraph*  
19          *(5)(B) and has spent more than 99.90*  
20          *percent of the DSH allotments for the*  
21          *State on average for the period of fiscal*  
22          *years 2004 through 2008, as of Sep-*  
23          *tember 30, 2009, the applicable per-*  
24          *centage is equal to the product of the*  
25          *percentage reduction in uncovered in-*

1 *dividuals for the fiscal year from the*  
2 *preceding fiscal year and 40 percent.”;*  
3 *(III) in subparagraph (E), by striking*  
4 *“35 percent” and inserting “50 percent”;*  
5 *and*  
6 *(IV) by adding at the end the fol-*  
7 *lowing:*

8 *“(G) NONAPPLICATION.—The preceding pro-*  
9 *visions of this paragraph shall not apply to the*  
10 *DSH allotment determined for the State of Ha-*  
11 *waii for a fiscal year under paragraph (6).”.*

12 *(f) Section 2551 of this Act is amended by striking*  
13 *subsection (b).*

14 *(g) Section 2105(d)(3)(B) of the Social Security Act*  
15 *(42 U.S.C. 1397ee(d)(3)(B)), as added by section*  
16 *2101(b)(1), is amended by adding at the end the following:*  
17 *“For purposes of eligibility for premium assistance for the*  
18 *purchase of a qualified health plan under section 36B of*  
19 *the Internal Revenue Code of 1986 and reduced cost-sharing*  
20 *under section 1402 of the Patient Protection and Affordable*  
21 *Care Act, children described in the preceding sentence shall*  
22 *be deemed to be ineligible for coverage under the State child*  
23 *health plan.”.*

1        *(h) Clause (i) of subparagraph (C) of section 513(b)(2)*  
2 *of the Social Security Act, as added by section 2953 of this*  
3 *Act, is amended to read as follows:*

4                    *“(i) Healthy relationships, including*  
5 *marriage and family interactions.”.*

6        *(i) Section 1115 of the Social Security Act (42 U.S.C.*  
7 *1315) is amended by inserting after subsection (c) the fol-*  
8 *lowing:*

9            *“(d)(1) An application or renewal of any experi-*  
10 *mental, pilot, or demonstration project undertaken under*  
11 *subsection (a) to promote the objectives of title XIX or XXI*  
12 *in a State that would result in an impact on eligibility,*  
13 *enrollment, benefits, cost-sharing, or financing with respect*  
14 *to a State program under title XIX or XXI (in this sub-*  
15 *section referred to as a ‘demonstration project’) shall be con-*  
16 *sidered by the Secretary in accordance with the regulations*  
17 *required to be promulgated under paragraph (2).*

18            *“(2) Not later than 180 days after the date of enact-*  
19 *ment of this subsection, the Secretary shall promulgate reg-*  
20 *ulations relating to applications for, and renewals of, a*  
21 *demonstration project that provide for—*

22                    *“(A) a process for public notice and comment at*  
23 *the State level, including public hearings, sufficient to*  
24 *ensure a meaningful level of public input;*

25                    *“(B) requirements relating to—*

1           “(i) the goals of the program to be imple-  
2           mented or renewed under the demonstration  
3           project;

4           “(ii) the expected State and Federal costs  
5           and coverage projections of the demonstration  
6           project; and

7           “(iii) the specific plans of the State to en-  
8           sure that the demonstration project will be in  
9           compliance with title XIX or XXI;

10          “(C) a process for providing public notice and  
11          comment after the application is received by the Sec-  
12          retary, that is sufficient to ensure a meaningful level  
13          of public input;

14          “(D) a process for the submission to the Sec-  
15          retary of periodic reports by the State concerning the  
16          implementation of the demonstration project; and

17          “(E) a process for the periodic evaluation by the  
18          Secretary of the demonstration project.

19          “(3) The Secretary shall annually report to Congress  
20          concerning actions taken by the Secretary with respect to  
21          applications for demonstration projects under this section.”.

22          (j) Subtitle F of title III of this Act is amended by  
23          adding at the end the following:



1 **“SEC. 3512. GAO STUDY AND REPORT ON CAUSES OF AC-**  
2 **TION.**

3 “(a) *STUDY.*—

4 “(1) *IN GENERAL.*—*The Comptroller General of*  
5 *the United States shall conduct a study of whether the*  
6 *development, recognition, or implementation of any*  
7 *guideline or other standards under a provision de-*  
8 *scribed in paragraph (2) would result in the estab-*  
9 *lishment of a new cause of action or claim.*

10 “(2) *PROVISIONS DESCRIBED.*—*The provisions*  
11 *described in this paragraph include the following:*

12 “(A) *Section 2701 (adult health quality*  
13 *measures).*

14 “(B) *Section 2702 (payment adjustments*  
15 *for health care acquired conditions).*

16 “(C) *Section 3001 (Hospital Value-Based*  
17 *Purchase Program).*

18 “(D) *Section 3002 (improvements to the*  
19 *Physician Quality Reporting Initiative).*

20 “(E) *Section 3003 (improvements to the*  
21 *Physician Feedback Program).*

22 “(F) *Section 3007 (value based payment*  
23 *modifier under physician fee schedule).*

24 “(G) *Section 3008 (payment adjustment for*  
25 *conditions acquired in hospitals).*

1           “(H) Section 3013 (quality measure devel-  
2           opment).

3           “(I) Section 3014 (quality measurement).

4           “(J) Section 3021 (Establishment of Center  
5           for Medicare and Medicaid Innovation).

6           “(K) Section 3025 (hospital readmission re-  
7           duction program).

8           “(L) Section 3501 (health care delivery sys-  
9           tem research, quality improvement).

10          “(M) Section 4003 (Task Force on Clinical  
11          and Preventive Services).

12          “(N) Section 4301 (research to optimize de-  
13          liver of public health services).

14          “(b) REPORT.—Not later than 2 years after the date  
15 of enactment of this Act, the Comptroller General of the  
16 United States shall submit to the appropriate committees  
17 of Congress, a report containing the findings made by the  
18 Comptroller General under the study under subsection (a).”.

19 **SEC. 10202. INCENTIVES FOR STATES TO OFFER HOME AND**  
20 **COMMUNITY-BASED SERVICES AS A LONG-**  
21 **TERM CARE ALTERNATIVE TO NURSING**  
22 **HOMES.**

23          (a) STATE BALANCING INCENTIVE PAYMENTS PRO-  
24 GRAM.—Notwithstanding section 1905(b) of the Social Se-  
25 curity Act (42 U.S.C. 1396d(b)), in the case of a balancing

1 *incentive payment State, as defined in subsection (b), that*  
2 *meets the conditions described in subsection (c), during the*  
3 *balancing incentive period, the Federal medical assistance*  
4 *percentage determined for the State under section 1905(b)*  
5 *of such Act and, if applicable, increased under subsection*  
6 *(z) or (aa) shall be increased by the applicable percentage*  
7 *points determined under subsection (d) with respect to eligi-*  
8 *ble medical assistance expenditures described in subsection*  
9 *(e).*

10 (b) *BALANCING INCENTIVE PAYMENT STATE.*—A bal-  
11 *ancing incentive payment State is a State—*

12 (1) *in which less than 50 percent of the total ex-*  
13 *penditures for medical assistance under the State*  
14 *Medicaid program for a fiscal year for long-term*  
15 *services and supports (as defined by the Secretary*  
16 *under subsection (f)(1)) are for non-institutionally-*  
17 *based long-term services and supports described in*  
18 *subsection (f)(1)(B);*

19 (2) *that submits an application and meets the*  
20 *conditions described in subsection (c); and*

21 (3) *that is selected by the Secretary to partici-*  
22 *rate in the State balancing incentive payment pro-*  
23 *gram established under this section.*

24 (c) *CONDITIONS.*—*The conditions described in this*  
25 *subsection are the following:*

1           (1) *APPLICATION.*—*The State submits an appli-*  
2           *cation to the Secretary that includes, in addition to*  
3           *such other information as the Secretary shall re-*  
4           *quire—*

5                   (A) *a proposed budget that details the*  
6                   *State’s plan to expand and diversify medical as-*  
7                   *stance for non-institutionally-based long-term*  
8                   *services and supports described in subsection*  
9                   *(f)(1)(B) under the State Medicaid program dur-*  
10                  *ing the balancing incentive period and achieve*  
11                  *the target spending percentage applicable to the*  
12                  *State under paragraph (2), including through*  
13                  *structural changes to how the State furnishes*  
14                  *such assistance, such as through the establish-*  
15                  *ment of a “no wrong door—single entry point*  
16                  *system”, optional presumptive eligibility, case*  
17                  *management services, and the use of core stand-*  
18                  *ardized assessment instruments, and that in-*  
19                  *cludes a description of the new or expanded of-*  
20                  *ferings of such services that the State will pro-*  
21                  *vide and the projected costs of such services; and*

22                   (B) *in the case of a State that proposes to*  
23                   *expand the provision of home and community-*  
24                   *based services under its State Medicaid program*  
25                   *through a State plan amendment under section*

1        *1915(i) of the Social Security Act, at the option*  
2        *of the State, an election to increase the income*  
3        *eligibility for such services from 150 percent of*  
4        *the poverty line to such higher percentage as the*  
5        *State may establish for such purpose, not to ex-*  
6        *ceed 300 percent of the supplemental security in-*  
7        *come benefit rate established by section*  
8        *1611(b)(1) of the Social Security Act (42 U.S.C.*  
9        *1382(b)(1)).*

10        *(2) TARGET SPENDING PERCENTAGES.—*

11                *(A) In the case of a balancing incentive*  
12        *payment State in which less than 25 percent of*  
13        *the total expenditures for long-term services and*  
14        *supports under the State Medicaid program for*  
15        *fiscal year 2009 are for home and community-*  
16        *based services, the target spending percentage for*  
17        *the State to achieve by not later than October 1,*  
18        *2015, is that 25 percent of the total expenditures*  
19        *for long-term services and supports under the*  
20        *State Medicaid program are for home and com-*  
21        *munity-based services.*

22                *(B) In the case of any other balancing in-*  
23        *centive payment State, the target spending per-*  
24        *centage for the State to achieve by not later than*  
25        *October 1, 2015, is that 50 percent of the total*

1           *expenditures for long-term services and supports*  
2           *under the State Medicaid program are for home*  
3           *and community-based services.*

4           (3) *MAINTENANCE OF ELIGIBILITY REQUIRE-*  
5           *MENTS.—The State does not apply eligibility stand-*  
6           *ards, methodologies, or procedures for determining eli-*  
7           *gibility for medical assistance for non-institutionally-*  
8           *based long-term services and supports described in*  
9           *subsection (f)(1)(B) under the State Medicaid pro-*  
10          *gram that are more restrictive than the eligibility*  
11          *standards, methodologies, or procedures in effect for*  
12          *such purposes on December 31, 2010.*

13          (4) *USE OF ADDITIONAL FUNDS.—The State*  
14          *agrees to use the additional Federal funds paid to the*  
15          *State as a result of this section only for purposes of*  
16          *providing new or expanded offerings of non-institu-*  
17          *tionally-based long-term services and supports de-*  
18          *scribed in subsection (f)(1)(B) under the State Med-*  
19          *icaid program.*

20          (5) *STRUCTURAL CHANGES.—The State agrees to*  
21          *make, not later than the end of the 6-month period*  
22          *that begins on the date the State submits an applica-*  
23          *tion under this section, the following changes:*

24                  (A) *“NO WRONG DOOR—SINGLE ENTRY*  
25                  *POINT SYSTEM”.—Development of a statewide*

1           *system to enable consumers to access all long-*  
2           *term services and supports through an agency,*  
3           *organization, coordinated network, or portal, in*  
4           *accordance with such standards as the State*  
5           *shall establish and that shall provide informa-*  
6           *tion regarding the availability of such services,*  
7           *how to apply for such services, referral services*  
8           *for services and supports otherwise available in*  
9           *the community, and determinations of financial*  
10          *and functional eligibility for such services and*  
11          *supports, or assistance with assessment processes*  
12          *for financial and functional eligibility.*

13           *(B) CONFLICT-FREE CASE MANAGEMENT*  
14          *SERVICES.—Conflict-free case management serv-*  
15          *ices to develop a service plan, arrange for serv-*  
16          *ices and supports, support the beneficiary (and,*  
17          *if appropriate, the beneficiary’s caregivers) in*  
18          *directing the provision of services and supports*  
19          *for the beneficiary, and conduct ongoing moni-*  
20          *toring to assure that services and supports are*  
21          *delivered to meet the beneficiary’s needs and*  
22          *achieve intended outcomes.*

23           *(C) CORE STANDARDIZED ASSESSMENT IN-*  
24          *STRUMENTS.—Development of core standardized*  
25          *assessment instruments for determining eligi-*

1           *bility for non-institutionally-based long-term*  
2           *services and supports described in subsection*  
3           *(f)(1)(B), which shall be used in a uniform man-*  
4           *ner throughout the State, to determine a bene-*  
5           *ficiary's needs for training, support services,*  
6           *medical care, transportation, and other services,*  
7           *and develop an individual service plan to ad-*  
8           *dress such needs.*

9           (6) *DATA COLLECTION.*—*The State agrees to col-*  
10          *lect from providers of services and through such other*  
11          *means as the State determines appropriate the fol-*  
12          *lowing data:*

13                (A) *SERVICES DATA.*—*Services data from*  
14                *providers of non-institutionally-based long-term*  
15                *services and supports described in subsection*  
16                *(f)(1)(B) on a per-beneficiary basis and in ac-*  
17                *cordance with such standardized coding proce-*  
18                *dures as the State shall establish in consultation*  
19                *with the Secretary.*

20                (B) *QUALITY DATA.*—*Quality data on a se-*  
21                *lected set of core quality measures agreed upon*  
22                *by the Secretary and the State that are linked to*  
23                *population-specific outcomes measures and acces-*  
24                *sible to providers.*



1           (C) *OUTCOMES MEASURES.*—*Outcomes*  
2           *measures data on a selected set of core popu-*  
3           *lation-specific outcomes measures agreed upon by*  
4           *the Secretary and the State that are accessible to*  
5           *providers and include—*

6                   (i) *measures of beneficiary and family*  
7                   *caregiver experience with providers;*

8                   (ii) *measures of beneficiary and family*  
9                   *caregiver satisfaction with services; and*

10                   (iii) *measures for achieving desired*  
11                   *outcomes appropriate to a specific bene-*  
12                   *ficiary, including employment, participa-*  
13                   *tion in community life, health stability, and*  
14                   *prevention of loss in function.*

15           (d) *APPLICABLE PERCENTAGE POINTS INCREASE IN*  
16 *FMAP.*—*The applicable percentage points increase is—*

17                   (1) *in the case of a balancing incentive payment*  
18                   *State subject to the target spending percentage de-*  
19                   *scribed in subsection (c)(2)(A), 5 percentage points;*  
20                   *and*

21                   (2) *in the case of any other balancing incentive*  
22                   *payment State, 2 percentage points.*

23           (e) *ELIGIBLE MEDICAL ASSISTANCE EXPENDI-*  
24 *TURES.*—

1           (1) *IN GENERAL.*—Subject to paragraph (2),  
2           *medical assistance described in this subsection is med-*  
3           *ical assistance for non-institutionally-based long-term*  
4           *services and supports described in subsection (f)(1)(B)*  
5           *that is provided by a balancing incentive payment*  
6           *State under its State Medicaid program during the*  
7           *balancing incentive payment period.*

8           (2) *LIMITATION ON PAYMENTS.*—In no case may  
9           *the aggregate amount of payments made by the Sec-*  
10           *retary to balancing incentive payment States under*  
11           *this section during the balancing incentive period ex-*  
12           *ceed \$3,000,000,000.*

13          (f) *DEFINITIONS.*—In this section:

14           (1) *LONG-TERM SERVICES AND SUPPORTS DE-*  
15           *FINED.*—The term “long-term services and supports”  
16           *has the meaning given that term by Secretary and*  
17           *may include any of the following (as defined for pur-*  
18           *poses of State Medicaid programs):*

19                   (A) *INSTITUTIONALLY-BASED LONG-TERM*  
20                   *SERVICES AND SUPPORTS.*—Services provided in  
21                   *an institution, including the following:*

22                           (i) *Nursing facility services.*

23                           (ii) *Services in an intermediate care*  
24                           *facility for the mentally retarded described*

1           *in subsection (a)(15) of section 1905 of such*  
2           *Act.*

3           (B) *NON-INSTITUTIONALLY-BASED LONG-*  
4           *TERM SERVICES AND SUPPORTS.—Services not*  
5           *provided in an institution, including the fol-*  
6           *lowing:*

7                   (i) *Home and community-based serv-*  
8                   *ices provided under subsection (c), (d), or*  
9                   *(i) of section 1915 of such Act or under a*  
10                  *waiver under section 1115 of such Act.*

11                   (ii) *Home health care services.*

12                   (iii) *Personal care services.*

13                   (iv) *Services described in subsection*  
14                   *(a)(26) of section 1905 of such Act (relating*  
15                   *to PACE program services).*

16                   (v) *Self-directed personal assistance*  
17                   *services described in section 1915(j) of such*  
18                   *Act.*

19           (2) *BALANCING INCENTIVE PERIOD.—The term*  
20           *“balancing incentive period” means the period that*  
21           *begins on October 1, 2011, and ends on September 30,*  
22           *2015.*

23           (3) *POVERTY LINE.—The term “poverty line”*  
24           *has the meaning given that term in section 2110(c)(5)*  
25           *of the Social Security Act (42 U.S.C. 1397jj(c)(5)).*

1           (4) *STATE MEDICAID PROGRAM.*—*The term*  
2           *“State Medicaid program” means the State program*  
3           *for medical assistance provided under a State plan*  
4           *under title XIX of the Social Security Act and under*  
5           *any waiver approved with respect to such State plan.*

6 **SEC. 10203. EXTENSION OF FUNDING FOR CHIP THROUGH**  
7                                   **FISCAL YEAR 2015 AND OTHER CHIP-RELATED**  
8                                   **PROVISIONS.**

9           (a) *Section 1311(c)(1) of this Act is amended by strik-*  
10          *ing “and” at the end of subparagraph (G), by striking the*  
11          *period at the end of subparagraph (H) and inserting “;*  
12          *and”, and by adding at the end the following:*

13                               *“(I) report to the Secretary at least annu-*  
14                               *ally and in such manner as the Secretary shall*  
15                               *require, pediatric quality reporting measures*  
16                               *consistent with the pediatric quality reporting*  
17                               *measures established under section 1139A of the*  
18                               *Social Security Act.”.*

19          (b) *Effective as if included in the enactment of the*  
20          *Children’s Health Insurance Program Reauthorization Act*  
21          *of 2009 (Public Law 111–3):*

22                               (1) *Section 1906(e)(2) of the Social Security Act*  
23                               (42 U.S.C. 1396e(e)(2)) *is amended by striking*  
24                               *“means” and all that follows through the period and*

1        *inserting “has the meaning given that term in section*  
2        *2105(c)(3)(A).”.*

3                *(2)(A) Section 1906A(a) of the Social Security*  
4        *Act (42 U.S.C. 1396e–1(a)), is amended by inserting*  
5        *before the period the following: “and the offering of*  
6        *such a subsidy is cost-effective, as defined for purposes*  
7        *of section 2105(c)(3)(A).”.*

8                *(B) This Act shall be applied without regard to*  
9        *subparagraph (A) of section 2003(a)(1) of this Act*  
10        *and that subparagraph and the amendment made by*  
11        *that subparagraph are hereby deemed null, void, and*  
12        *of no effect.*

13                *(3) Section 2105(c)(10) of the Social Security*  
14        *Act (42 U.S.C. 1397ee(c)(10)) is amended—*

15                *(A) in subparagraph (A), in the first sen-*  
16        *tence, by inserting before the period the fol-*  
17        *lowing: “if the offering of such a subsidy is cost-*  
18        *effective, as defined for purposes of paragraph*  
19        *(3)(A).”;*

20                *(B) by striking subparagraph (M); and*

21                *(C) by redesignating subparagraph (N) as*  
22        *subparagraph (M).*

23                *(4) Section 2105(c)(3)(A) of the Social Security*  
24        *Act (42 U.S.C. 1397ee(c)(3)(A)) is amended—*

1           (A) *in the matter preceding clause (i), by*  
2           *striking “to” and inserting “to—”; and*

3           (B) *in clause (ii), by striking the period*  
4           *and inserting a semicolon.*

5           (c) *Section 2105 of the Social Security Act (42 U.S.C.*  
6           *1397ee), as amended by section 2101, is amended—*

7           (1) *in subsection (b), in the second sentence, by*  
8           *striking “2013” and inserting “2015”; and*

9           (2) *in subsection (d)(3)—*

10           (A) *in subparagraph (A)—*

11           (i) *in the first sentence, by inserting*  
12           *“as a condition of receiving payments*  
13           *under section 1903(a),” after “2019,”;*

14           (ii) *in clause (i), by striking “or” at*  
15           *the end;*

16           (iii) *by redesignating clause (ii) as*  
17           *clause (iii); and*

18           (iv) *by inserting after clause (i), the*  
19           *following:*

20           *“(ii) after September 30, 2015, enroll-*  
21           *ing children eligible to be targeted low-in-*  
22           *come children under the State child health*  
23           *plan in a qualified health plan that has*  
24           *been certified by the Secretary under sub-*  
25           *paragraph (C); or”;*

1           (B) in subparagraph (B), by striking “pro-  
2           vided coverage” and inserting “screened for eligi-  
3           bility for medical assistance under the State  
4           plan under title XIX or a waiver of that plan  
5           and, if found eligible, enrolled in such plan or a  
6           waiver. In the case of such children who, as a re-  
7           sult of such screening, are determined to not be  
8           eligible for medical assistance under the State  
9           plan or a waiver under title XIX, the State shall  
10          establish procedures to ensure that the children  
11          are enrolled in a qualified health plan that has  
12          been certified by the Secretary under subpara-  
13          graph (C) and is offered”; and

14           (C) by adding at the end the following:

15           “(C) CERTIFICATION OF COMPARABILITY OF  
16          PEDIATRIC COVERAGE OFFERED BY QUALIFIED  
17          HEALTH PLANS.—With respect to each State, the  
18          Secretary, not later than April 1, 2015, shall re-  
19          view the benefits offered for children and the  
20          cost-sharing imposed with respect to such bene-  
21          fits by qualified health plans offered through an  
22          Exchange established by the State under section  
23          1311 of the Patient Protection and Affordable  
24          Care Act and shall certify those plans that offer  
25          benefits for children and impose cost-sharing

1           *with respect to such benefits that the Secretary*  
2           *determines are at least comparable to the benefits*  
3           *offered and cost-sharing protections provided*  
4           *under the State child health plan.”.*

5           *(d)(1) Section 2104(a) of such Act (42 U.S.C.*  
6           *1397dd(a)) is amended—*

7           *(A) in paragraph (15), by striking “and” at the*  
8           *end; and*

9           *(B) by striking paragraph (16) and inserting the*  
10          *following:*

11           *“(16) for fiscal year 2013, \$17,406,000,000;*

12           *“(17) for fiscal year 2014, \$19,147,000,000; and*

13           *“(18) for fiscal year 2015, for purposes of mak-*  
14          *ing 2 semi-annual allotments—*

15           *“(A) \$2,850,000,000 for the period begin-*  
16           *ning on October 1, 2014, and ending on March*  
17           *31, 2015, and*

18           *“(B) \$2,850,000,000 for the period begin-*  
19           *ning on April 1, 2015, and ending on September*  
20           *30, 2015.”.*

21          *(2)(A) Section 2104(m) of such Act (42 U.S.C.*  
22          *1397dd(m)), as amended by section 2102(a)(1), is amend-*  
23          *ed—*

24           *(i) in the subsection heading, by striking “2013”*  
25          *and inserting “2015”;*



1           (ii) in paragraph (2)—

2                   (I) in the paragraph heading, by striking  
3           “2012” and inserting “2014”; and

4                   (II) by adding at the end the following:

5                   “(B) FISCAL YEARS 2013 AND 2014.—Subject  
6           to paragraphs (4) and (6), from the amount  
7           made available under paragraphs (16) and (17)  
8           of subsection (a) for fiscal years 2013 and 2014,  
9           respectively, the Secretary shall compute a State  
10          allotment for each State (including the District  
11          of Columbia and each commonwealth and terri-  
12          tory) for each such fiscal year as follows:

13                   “(i) REBASING IN FISCAL YEAR 2013.—  
14           For fiscal year 2013, the allotment of the  
15           State is equal to the Federal payments to  
16           the State that are attributable to (and  
17           countable towards) the total amount of al-  
18           lotments available under this section to the  
19           State in fiscal year 2012 (including pay-  
20           ments made to the State under subsection  
21           (n) for fiscal year 2012 as well as amounts  
22           redistributed to the State in fiscal year  
23           2012), multiplied by the allotment increase  
24           factor under paragraph (5) for fiscal year  
25           2013.

1                   “(i) *GROWTH FACTOR UPDATE FOR*  
2                   *FISCAL YEAR 2014.—For fiscal year 2014,*  
3                   *the allotment of the State is equal to the*  
4                   *sum of—*

5                   “(I) *the amount of the State allot-*  
6                   *ment under clause (i) for fiscal year*  
7                   *2013; and*

8                   “(II) *the amount of any payments*  
9                   *made to the State under subsection (n)*  
10                  *for fiscal year 2013,*

11                  *multiplied by the allotment increase factor*  
12                  *under paragraph (5) for fiscal year 2014.”;*  
13                  *(iii) in paragraph (3)—*

14                  “(I) *in the paragraph heading, by strik-*  
15                  *ing “2013” and inserting “2015”;*

16                  “(II) *in subparagraphs (A) and (B), by*  
17                  *striking “paragraph (16)” each place it ap-*  
18                  *pears and inserting “paragraph (18)”;*

19                  “(III) *in subparagraph (C)—*

20                  “(aa) *by striking “2012” each*  
21                  *place it appears and inserting “2014”;*  
22                  *and*

23                  “(bb) *by striking “2013” and in-*  
24                  *serting “2015”;* *and*

25                  “(IV) *in subparagraph (D)—*

1                   (aa) in clause (i)(I), by striking  
2                   “subsection (a)(16)(A)” and inserting  
3                   “subsection (a)(18)(A)”; and

4                   (bb) in clause (ii)(II), by striking  
5                   “subsection (a)(16)(B)” and inserting  
6                   “subsection (a)(18)(B)”; and

7                   (iv) in paragraph (4), by striking “2013”  
8                   and inserting “2015”;

9                   (v) in paragraph (6)—

10                   (I) in subparagraph (A), by striking  
11                   “2013” and inserting “2015”; and

12                   (II) in the flush language after and  
13                   below subparagraph (B)(ii), by striking “or  
14                   fiscal year 2012” and inserting “, fiscal  
15                   year 2012, or fiscal year 2014”; and

16                   (vi) in paragraph (8)—

17                   (I) in the paragraph heading, by strik-  
18                   ing “2013” and inserting “2015”; and

19                   (II) by striking “2013” and inserting  
20                   “2015”.

21                   (B) Section 2104(n) of such Act (42 U.S.C. 1397dd(n))  
22                   is amended—

23                   (i) in paragraph (2)—

24                   (I) in subparagraph (A)(ii)—

1                   (aa) by striking “2012” and inserting  
2                   “2014”; and

3                   (bb) by striking “2013” and inserting  
4                   “2015”;

5                   (II) in subparagraph (B)—

6                   (aa) by striking “2012” and inserting  
7                   “2014”; and

8                   (bb) by striking “2013” and inserting  
9                   “2015”; and

10                  (ii) in paragraph (3)(A), by striking “or a semi-  
11                  annual allotment period for fiscal year 2013” and in-  
12                  serting “fiscal year 2013, fiscal year 2014, or a semi-  
13                  annual allotment period for fiscal year 2015”.

14                  (C) Section 2105(g)(4) of such Act (42 U.S.C.  
15                  1397ee(g)(4)) is amended—

16                   (i) in the paragraph heading, by striking “2013”  
17                   and inserting “2015”; and

18                   (ii) in subparagraph (A), by striking “2013”  
19                   and inserting “2015”.

20                  (D) Section 2110(b) of such Act (42 U.S.C. 1397jj(b))  
21                  is amended—

22                   (i) in paragraph (2)(B), by inserting “except as  
23                   provided in paragraph (6),” before “a child”; and

24                   (ii) by adding at the end the following new  
25                   paragraph:

1           “(6) *EXCEPTIONS TO EXCLUSION OF CHILDREN*  
2 *OF EMPLOYEES OF A PUBLIC AGENCY IN THE*  
3 *STATE.—*

4           “(A) *IN GENERAL.—A child shall not be*  
5 *considered to be described in paragraph (2)(B)*  
6 *if—*

7           “(i) *the public agency that employs a*  
8 *member of the child’s family to which such*  
9 *paragraph applies satisfies subparagraph*  
10 *(B); or*

11           “(ii) *subparagraph (C) applies to such*  
12 *child.*

13           “(B) *MAINTENANCE OF EFFORT WITH RE-*  
14 *SPECT TO PER PERSON AGENCY CONTRIBUTION*  
15 *FOR FAMILY COVERAGE.—For purposes of sub-*  
16 *paragraph (A)(i), a public agency satisfies this*  
17 *subparagraph if the amount of annual agency*  
18 *expenditures made on behalf of each employee en-*  
19 *rolled in health coverage paid for by the agency*  
20 *that includes dependent coverage for the most re-*  
21 *cent State fiscal year is not less than the amount*  
22 *of such expenditures made by the agency for the*  
23 *1997 State fiscal year, increased by the percent-*  
24 *age increase in the medical care expenditure cat-*  
25 *egory of the Consumer Price Index for All-Urban*

1           Consumers (all items: U.S. City Average) for  
2           such preceding fiscal year.

3           “(C) *HARDSHIP EXCEPTION.*—For purposes  
4           of subparagraph (A)(ii), this subparagraph ap-  
5           plies to a child if the State determines, on a  
6           case-by-case basis, that the annual aggregate  
7           amount of premiums and cost-sharing imposed  
8           for coverage of the family of the child would ex-  
9           ceed 5 percent of such family’s income for the  
10          year involved.”.

11          (E) Section 2113 of such Act (42 U.S.C. 1397mm) is  
12          amended—

13           (i) in subsection (a)(1), by striking “2013” and  
14           inserting “2015”; and

15           (ii) in subsection (g), by striking “\$100,000,000  
16           for the period of fiscal years 2009 through 2013” and  
17           inserting “\$140,000,000 for the period of fiscal years  
18           2009 through 2015”.

19          (F) Section 108 of Public Law 111–3 is amended by  
20          striking “\$11,706,000,000” and all that follows through the  
21          second sentence and inserting “\$15,361,000,000 to accom-  
22          pany the allotment made for the period beginning on Octo-  
23          ber 1, 2014, and ending on March 31, 2015, under section  
24          2104(a)(18)(A) of the Social Security Act (42 U.S.C.  
25          1397dd(a)(18)(A)), to remain available until expended.

1 *Such amount shall be used to provide allotments to States*  
2 *under paragraph (3) of section 2104(m) of the Social Secu-*  
3 *urity Act (42 U.S.C. 1397dd(m)) for the first 6 months of*  
4 *fiscal year 2015 in the same manner as allotments are pro-*  
5 *vided under subsection (a)(18)(A) of such section 2104 and*  
6 *subject to the same terms and conditions as apply to the*  
7 *allotments provided from such subsection (a)(18)(A).”.*

8           **PART II—SUPPORT FOR PREGNANT AND**  
9           **PARENTING TEENS AND WOMEN**

10 **SEC. 10211. DEFINITIONS.**

11 *In this part:*

12           (1) **ACCOMPANIMENT.**—*The term “accompani-*  
13 *ment” means assisting, representing, and accom-*  
14 *panying a woman in seeking judicial relief for child*  
15 *support, child custody, restraining orders, and res-*  
16 *titution for harm to persons and property, and in fil-*  
17 *ing criminal charges, and may include the payment*  
18 *of court costs and reasonable attorney and witness*  
19 *fees associated therewith.*

20           (2) **ELIGIBLE INSTITUTION OF HIGHER EDU-**  
21 **CATION.**—*The term “eligible institution of higher edu-*  
22 *cation” means an institution of higher education (as*  
23 *such term is defined in section 101 of the Higher*  
24 *Education Act of 1965 (20 U.S.C. 1001)) that has es-*  
25 *tablished and operates, or agrees to establish and op-*

1        *erate upon the receipt of a grant under this part, a*  
2        *pregnant and parenting student services office.*

3            (3) *COMMUNITY SERVICE CENTER.*—*The term*  
4        *“community service center” means a non-profit orga-*  
5        *nization that provides social services to residents of a*  
6        *specific geographical area via direct service or by con-*  
7        *tract with a local governmental agency.*

8            (4) *HIGH SCHOOL.*—*The term “high school”*  
9        *means any public or private school that operates*  
10       *grades 10 through 12, inclusive, grades 9 through 12,*  
11       *inclusive or grades 7 through 12, inclusive.*

12           (5) *INTERVENTION SERVICES.*—*The term “inter-*  
13       *vention services” means, with respect to domestic vio-*  
14       *lence, sexual violence, sexual assault, or stalking, 24-*  
15       *hour telephone hotline services for police protection*  
16       *and referral to shelters.*

17           (6) *SECRETARY.*—*The term “Secretary” means*  
18       *the Secretary of Health and Human Services.*

19           (7) *STATE.*—*The term “State” includes the Dis-*  
20       *trict of Columbia, any commonwealth, possession, or*  
21       *other territory of the United States, and any Indian*  
22       *tribe or reservation.*

23           (8) *SUPPORTIVE SOCIAL SERVICES.*—*The term*  
24       *“supportive social services” means transitional and*  
25       *permanent housing, vocational counseling, and indi-*



1        *vidual and group counseling aimed at preventing do-*  
 2        *mestic violence, sexual violence, sexual assault, or*  
 3        *stalking.*

4            (9) *VIOLENCE.*—*The term “violence” means ac-*  
 5        *tual violence and the risk or threat of violence.*

6        **SEC. 10212. ESTABLISHMENT OF PREGNANCY ASSISTANCE**  
 7            **FUND.**

8            (a) *IN GENERAL.*—*The Secretary, in collaboration and*  
 9        *coordination with the Secretary of Education (as appro-*  
 10       *priate), shall establish a Pregnancy Assistance Fund to be*  
 11       *administered by the Secretary, for the purpose of awarding*  
 12       *competitive grants to States to assist pregnant and par-*  
 13       *enting teens and women.*

14          (b) *USE OF FUND.*—*A State may apply for a grant*  
 15       *under subsection (a) to carry out any activities provided*  
 16       *for in section 10213.*

17          (c) *APPLICATIONS.*—*To be eligible to receive a grant*  
 18       *under subsection (a), a State shall submit to the Secretary*  
 19       *an application at such time, in such manner, and con-*  
 20       *taining such information as the Secretary may require, in-*  
 21       *cluding a description of the purposes for which the grant*  
 22       *is being requested and the designation of a State agency*  
 23       *for receipt and administration of funding received under*  
 24       *this part.*

1 **SEC. 10213. PERMISSIBLE USES OF FUND.**

2 (a) *IN GENERAL.*—A State shall use amounts received  
3 under a grant under section 10212 for the purposes de-  
4 scribed in this section to assist pregnant and parenting  
5 teens and women.

6 (b) *INSTITUTIONS OF HIGHER EDUCATION.*—

7 (1) *IN GENERAL.*—A State may use amounts re-  
8 ceived under a grant under section 10212 to make  
9 funding available to eligible institutions of higher  
10 education to enable the eligible institutions to estab-  
11 lish, maintain, or operate pregnant and parenting  
12 student services. Such funding shall be used to supple-  
13 ment, not supplant, existing funding for such services.

14 (2) *APPLICATION.*—An eligible institution of  
15 higher education that desires to receive funding under  
16 this subsection shall submit an application to the des-  
17 ignated State agency at such time, in such manner,  
18 and containing such information as the State agency  
19 may require.

20 (3) *MATCHING REQUIREMENT.*—An eligible insti-  
21 tution of higher education that receives funding under  
22 this subsection shall contribute to the conduct of the  
23 pregnant and parenting student services office sup-  
24 ported by the funding an amount from non-Federal  
25 funds equal to 25 percent of the amount of the fund-  
26 ing provided. The non-Federal share may be in cash

1     *or in-kind, fairly evaluated, including services, facili-*  
2     *ties, supplies, or equipment.*

3             (4) *USE OF FUNDS FOR ASSISTING PREGNANT*  
4     *AND PARENTING COLLEGE STUDENTS.—An eligible in-*  
5     *stitution of higher education that receives funding*  
6     *under this subsection shall use such funds to establish,*  
7     *maintain or operate pregnant and parenting student*  
8     *services and may use such funding for the following*  
9     *programs and activities:*

10            (A) *Conduct a needs assessment on campus*  
11            *and within the local community—*

12                    (i) *to assess pregnancy and parenting*  
13                    *resources, located on the campus or within*  
14                    *the local community, that are available to*  
15                    *meet the needs described in subparagraph*  
16                    *(B); and*

17                    (ii) *to set goals for—*

18                            (I) *improving such resources for*  
19                            *pregnant, parenting, and prospective*  
20                            *parenting students; and*

21                            (II) *improving access to such re-*  
22                            *sources.*

23            (B) *Annually assess the performance of the*  
24            *eligible institution in meeting the following needs*

1           *of students enrolled in the eligible institution*  
2           *who are pregnant or are parents:*

3                     *(i) The inclusion of maternity coverage*  
4                     *and the availability of riders for additional*  
5                     *family members in student health care.*

6                     *(ii) Family housing.*

7                     *(iii) Child care.*

8                     *(iv) Flexible or alternative academic*  
9                     *scheduling, such as telecommuting pro-*  
10                    *grams, to enable pregnant or parenting stu-*  
11                    *dents to continue their education or stay in*  
12                    *school.*

13                    *(v) Education to improve parenting*  
14                    *skills for mothers and fathers and to*  
15                    *strengthen marriages.*

16                    *(vi) Maternity and baby clothing, baby*  
17                    *food (including formula), baby furniture,*  
18                    *and similar items to assist parents and pro-*  
19                    *spective parents in meeting the material*  
20                    *needs of their children.*

21                    *(vii) Post-partum counseling.*

22                    *(C) Identify public and private service pro-*  
23                    *viders, located on the campus of the eligible in-*  
24                    *stitution or within the local community, that are*  
25                    *qualified to meet the needs described in subpara-*

1           *graph (B), and establishes programs with quali-*  
2           *fied providers to meet such needs.*

3           *(D) Assist pregnant and parenting students,*  
4           *fathers or spouses in locating and obtaining serv-*  
5           *ices that meet the needs described in subpara-*  
6           *graph (B).*

7           *(E) If appropriate, provide referrals for*  
8           *prenatal care and delivery, infant or foster care,*  
9           *or adoption, to a student who requests such in-*  
10          *formation. An office shall make such referrals*  
11          *only to service providers that serve the following*  
12          *types of individuals:*

13                   *(i) Parents.*

14                   *(ii) Prospective parents awaiting*  
15                   *adoption.*

16                   *(iii) Women who are pregnant and*  
17                   *plan on parenting or placing the child for*  
18                   *adoption.*

19                   *(iv) Parenting or prospective par-*  
20                   *enting couples.*

21          (5) *REPORTING.—*

22                   *(A) ANNUAL REPORT BY INSTITUTIONS.—*

23                   *(i) IN GENERAL.—For each fiscal year*  
24                   *that an eligible institution of higher edu-*  
25                   *cation receives funds under this subsection,*

1           *the eligible institution shall prepare and*  
2           *submit to the State, by the date determined*  
3           *by the State, a report that—*

4                     *(I) itemizes the pregnant and par-*  
5                     *enting student services office's expendi-*  
6                     *tures for the fiscal year;*

7                     *(II) contains a review and evalua-*  
8                     *tion of the performance of the office in*  
9                     *fulfilling the requirements of this sec-*  
10                    *tion, using the specific performance*  
11                    *criteria or standards established under*  
12                    *subparagraph (B)(i); and*

13                    *(III) describes the achievement of*  
14                    *the office in meeting the needs listed in*  
15                    *paragraph (4)(B) of the students served*  
16                    *by the eligible institution, and the fre-*  
17                    *quency of use of the office by such stu-*  
18                    *dents.*

19                    *(ii) PERFORMANCE CRITERIA.—Not*  
20                    *later than 180 days before the date the an-*  
21                    *nuual report described in clause (i) is sub-*  
22                    *mitted, the State—*

23                    *(I) shall identify the specific per-*  
24                    *formance criteria or standards that*  
25                    *shall be used to prepare the report; and*

1                   (II) may establish the form or for-  
2                   mat of the report.

3                   (B) *REPORT BY STATE.*—The State shall  
4                   annually prepare and submit a report on the  
5                   findings under this subsection, including the  
6                   number of eligible institutions of higher edu-  
7                   cation that were awarded funds and the number  
8                   of students served by each pregnant and par-  
9                   enting student services office receiving funds  
10                  under this section, to the Secretary.

11               (c) *SUPPORT FOR PREGNANT AND PARENTING*  
12 *TEENS.*—A State may use amounts received under a grant  
13 under section 10212 to make funding available to eligible  
14 high schools and community service centers to establish,  
15 maintain or operate pregnant and parenting services in the  
16 same general manner and in accordance with all conditions  
17 and requirements described in subsection (b), except that  
18 paragraph (3) of such subsection shall not apply for pur-  
19 poses of this subsection.

20               (d) *IMPROVING SERVICES FOR PREGNANT WOMEN*  
21 *WHO ARE VICTIMS OF DOMESTIC VIOLENCE, SEXUAL VIO-*  
22 *LENCE, SEXUAL ASSAULT, AND STALKING.*—

23                   (1) *IN GENERAL.*—A State may use amounts re-  
24                  ceived under a grant under section 10212 to make

1 *funding available to its State Attorney General to as-*  
2 *ist Statewide offices in providing—*

3 *(A) intervention services, accompaniment,*  
4 *and supportive social services for eligible preg-*  
5 *nant women who are victims of domestic vio-*  
6 *lence, sexual violence, sexual assault, or stalking.*

7 *(B) technical assistance and training (as*  
8 *described in subsection (c)) relating to violence*  
9 *against eligible pregnant women to be made*  
10 *available to the following:*

11 *(i) Federal, State, tribal, territorial,*  
12 *and local governments, law enforcement*  
13 *agencies, and courts.*

14 *(ii) Professionals working in legal, so-*  
15 *cial service, and health care settings.*

16 *(iii) Nonprofit organizations.*

17 *(iv) Faith-based organizations.*

18 *(2) ELIGIBILITY.—To be eligible for a grant*  
19 *under paragraph (1), a State Attorney General shall*  
20 *submit an application to the designated State agency*  
21 *at such time, in such manner, and containing such*  
22 *information, as specified by the State.*

23 *(3) TECHNICAL ASSISTANCE AND TRAINING DE-*  
24 *SCRIBED.—For purposes of paragraph (1)(B), tech-*  
25 *nical assistance and training is—*



1           (A) *the identification of eligible pregnant*  
2           *women experiencing domestic violence, sexual vi-*  
3           *olence, sexual assault, or stalking;*

4           (B) *the assessment of the immediate and*  
5           *short-term safety of such a pregnant woman, the*  
6           *evaluation of the impact of the violence or stalk-*  
7           *ing on the pregnant woman’s health, and the as-*  
8           *sistance of the pregnant woman in developing a*  
9           *plan aimed at preventing further domestic vio-*  
10          *lence, sexual violence, sexual assault, or stalking,*  
11          *as appropriate;*

12          (C) *the maintenance of complete medical or*  
13          *forensic records that include the documentation*  
14          *of any examination, treatment given, and refer-*  
15          *als made, recording the location and nature of*  
16          *the pregnant woman’s injuries, and the establish-*  
17          *ment of mechanisms to ensure the privacy and*  
18          *confidentiality of those medical records; and*

19          (D) *the identification and referral of the*  
20          *pregnant woman to appropriate public and pri-*  
21          *vate nonprofit entities that provide intervention*  
22          *services, accompaniment, and supportive social*  
23          *services.*

24          (4) *ELIGIBLE PREGNANT WOMAN.—In this sub-*  
25          *section, the term “eligible pregnant woman” means*

1        *any woman who is pregnant on the date on which*  
2        *such woman becomes a victim of domestic violence,*  
3        *sexual violence, sexual assault, or stalking or who was*  
4        *pregnant during the one-year period before such date.*

5        *(e) PUBLIC AWARENESS AND EDUCATION.—A State*  
6        *may use amounts received under a grant under section*  
7        *10212 to make funding available to increase public aware-*  
8        *ness and education concerning any services available to*  
9        *pregnant and parenting teens and women under this part,*  
10       *or any other resources available to pregnant and parenting*  
11       *women in keeping with the intent and purposes of this part.*  
12       *The State shall be responsible for setting guidelines or limits*  
13       *as to how much of funding may be utilized for public*  
14       *awareness and education in any funding award.*

15       **SEC. 10214. APPROPRIATIONS.**

16       *There is authorized to be appropriated, and there are*  
17       *appropriated, \$25,000,000 for each of fiscal years 2010*  
18       *through 2019, to carry out this part.*

19       **PART III—INDIAN HEALTH CARE IMPROVEMENT**

20       **SEC. 10221. INDIAN HEALTH CARE IMPROVEMENT.**

21       *(a) IN GENERAL.—Except as provided in subsection*  
22       *(b), S. 1790 entitled “A bill to amend the Indian Health*  
23       *Care Improvement Act to revise and extend that Act, and*  
24       *for other purposes.”, as reported by the Committee on In-*

1 *dian Affairs of the Senate in December 2009, is enacted*  
2 *into law.*

3 *(b) AMENDMENTS.—*

4 *(1) Section 119 of the Indian Health Care Im-*  
5 *provement Act (as amended by section 111 of the bill*  
6 *referred to in subsection (a)) is amended—*

7 *(A) in subsection (d)—*

8 *(i) in paragraph (2), by striking “In*  
9 *establishing” and inserting “Subject to*  
10 *paragraphs (3) and (4), in establishing”;*  
11 *and*

12 *(ii) by adding at the end the following:*

13 *“(3) ELECTION OF INDIAN TRIBE OR TRIBAL OR-*  
14 *GANIZATION.—*

15 *“(A) IN GENERAL.—Subparagraph (B) of*  
16 *paragraph (2) shall not apply in the case of an*  
17 *election made by an Indian tribe or tribal orga-*  
18 *nization located in a State (other than Alaska)*  
19 *in which the use of dental health aide therapist*  
20 *services or midlevel dental health provider serv-*  
21 *ices is authorized under State law to supply such*  
22 *services in accordance with State law.*

23 *“(B) ACTION BY SECRETARY.—On an elec-*  
24 *tion by an Indian tribe or tribal organization*  
25 *under subparagraph (A), the Secretary, acting*

1           *through the Service, shall facilitate implementa-*  
2           *tion of the services elected.*

3           “(4) *VACANCIES.—The Secretary shall not fill*  
4           *any vacancy for a certified dentist in a program op-*  
5           *erated by the Service with a dental health aide thera-*  
6           *pist.”; and*

7                         *(B) by adding at the end the following:*

8           “(e) *EFFECT OF SECTION.—Nothing in this section*  
9           *shall restrict the ability of the Service, an Indian tribe, or*  
10           *a tribal organization to participate in any program or to*  
11           *provide any service authorized by any other Federal law.”.*

12           (2) *The Indian Health Care Improvement Act*  
13           *(as amended by section 134(b) of the bill referred to*  
14           *in subsection (a)) is amended by striking section 125*  
15           *(relating to treatment of scholarships for certain pur-*  
16           *poses).*

17           (3) *Section 806 of the Indian Health Care Im-*  
18           *provement Act (25 U.S.C. 1676) is amended—*

19                         *(A) by striking “Any limitation” and in-*  
20                         *serting the following:*

21           “(a) *HHS APPROPRIATIONS.—Any limitation”; and*

22                         *(B) by adding at the end the following:*

23           “(b) *LIMITATIONS PURSUANT TO OTHER FEDERAL*  
24           *LAW.—Any limitation pursuant to other Federal laws on*  
25           *the use of Federal funds appropriated to the Service shall*

1 *apply with respect to the performance or coverage of abor-*  
 2 *tions.”.*

3           (4) *The bill referred to in subsection (a) is*  
 4 *amended by striking section 201.*

5       ***Subtitle C—Provisions Relating to***  
 6                                   ***Title III***

7       ***SEC. 10301. PLANS FOR A VALUE-BASED PURCHASING PRO-***  
 8                                   ***GRAM FOR AMBULATORY SURGICAL CEN-***  
 9                                   ***TERS.***

10       (a) *IN GENERAL.—Section 3006 is amended by adding*  
 11 *at the end the following new subsection:*

12       “(f) *AMBULATORY SURGICAL CENTERS.—*

13           “(1) *IN GENERAL.—The Secretary shall develop*  
 14 *a plan to implement a value-based purchasing pro-*  
 15 *gram for payments under the Medicare program*  
 16 *under title XVIII of the Social Security Act for am-*  
 17 *bulatory surgical centers (as described in section*  
 18 *1833(i) of the Social Security Act (42 U.S.C.*  
 19 *1395l(i))).*

20           “(2) *DETAILS.—In developing the plan under*  
 21 *paragraph (1), the Secretary shall consider the fol-*  
 22 *lowing issues:*

23           “(A) *The ongoing development, selection,*  
 24 *and modification process for measures (including*  
 25 *under section 1890 of the Social Security Act (42*