

S. 2222

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Purpose

1. To clarify and ensure that Section 1115 of the Social Security Act (the so-called "1115 waiver" authority) cannot erode core objectives of the Medicaid program and CHIP that Congress has enacted into law;
2. To protect and preserve the integrity of Medicaid and CHIP, programs that provide health insurance coverage to more than 50 million vulnerable Americans;
3. To protect and preserve the viability of the health care safety net;
4. To ensure transparency and public input into the "1115 waiver" process.

Summary of Major Provisions

Beginning on the date of enactment, the Medicaid and CHIP Safety Net Preservation Act would do the following:

- Prohibit the Secretary from using waiver authority to block grant Medicaid—The Secretary of HHS would be prohibited from using Section 1115 of the Social Security Act to impose or approve an overall cap on federal payments under Medicaid.
- Prohibit the Elimination of the Individual Entitlement to Medicaid—The Secretary would be prohibited from using Section 1115 to eliminate or limit the guarantee of Medicaid for any eligible individual.
- Prohibit the Secretary from Limiting Comprehensive Benefits for Children—The Secretary would be prohibited from using Section 1115 to eliminate or limit the guarantee of comprehensive benefits for children under Medicaid ("EPSDT").
- Protect Safety Net Clinics from Erosion of Medicaid Support—The Secretary would be prohibited from using Section 1115 to eliminate or waive Medicaid's prospective payment rules for Community Health Centers and Rural Health Clinics.
- Ensure Continued Focus of CHIP on Children—The Secretary would be prohibited from using Section 1115 to permit the use of CHIP funds on adults who do not have or are not caretakers for children

- Improve the Process for Developing and Approving Substantial Waiver Projects— The Secretary may not approve a waiver proposal unless the State seeking the waiver provided notice and opportunity for public comment on the proposal and projections on the impact of the proposal prior to submitting the proposal. The Secretary would have to provide notice and an opportunity for public comment on any waiver proposal and any revision to the proposal prior to approving the proposal. The Secretary must make a written determination that any waiver he approves will promote the objectives of Medicaid or CHIP, respectively, and he must identify which objectives it promotes.