

A COMPARISON OF CURRENT LAW WITH DRAFT LEGISLATIVE MEDICAID REFORM LANGUAGE

The following chart compares current statutory provisions creating the individual entitlement to medical assistance on a mandatory coverage basis with proposed language in draft legislation implementing the National Governors Association Proposal that creates "guarantees" to medical assistance.

Current Law	Revised Legislative Language
Section 1902(a)(10)(A)"[A State Plan for medical assistance shall provide] for making medical assistance available ... to (I)all individuals (I) who are receiving [Aid to Families with Dependent Children or federal foster care or adoption subsidies] (II) With respect to whom supplemental security income benefits are being paid or who are qualified severely impaired individuals (IV) who are [poverty level pregnant women and infants] (V) who are [poverty level children up to age 6] (VI) who are [poverty level children up to age 19]" Section 1902(a)(10)(E)(I)-(iii)"[A State Plan for medical assistance shall provide] for making medical assistance available for Medicare cost sharing [premiums, deductibles and coinsurance] for qualified Medicare beneficiaries..., qualified disabled and working individuals ..., and individuals who would be qualified Medicare beneficiaries but for the fact that their income [exceeds 100 percent of the federal poverty level but is less than 120 percent of the federal poverty level]" No comparable provision	Draft Section 1501(a) "Each state plan shall provide for making medical assistance available ...to individuals within each of the following categories:" (A) poor pregnant women ... (B) children under age 6 (C) children age 6 to 12) (D) disabled individuals (E) poor elderly individuals (F) children who receive foster care maintenance payments or adoption assistance¹ (G) certain low income families [who meet AFDC or alternative lower eligibility rules in the case of states with higher than average AFDC eligibility standards]." Section 1501(d)(2) "The guarantees of states required under subsections (a) ... are subject to general eligibility guidelines ... and are subject to the limitations on payment to the States provided under section 1511...."

¹ States may elect to use foster care and adoption standards under their state plans as of the date of enactment of the legislation rather than existing standards.