

#### 116TH CONGRESS 2D SESSION

# H. R. 6511

To amend titles XIX and XXI of the Social Security Act to require coverage under the Medicaid program and Children's Health Insurance Program for vaccines and treatment for COVID-19 without the imposition of cost sharing requirements, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

April 14, 2020

Mr. Pappas introduced the following bill; which was referred to the Committee on Energy and Commerce

## A BILL

To amend titles XIX and XXI of the Social Security Act to require coverage under the Medicaid program and Children's Health Insurance Program for vaccines and treatment for COVID-19 without the imposition of cost sharing requirements, 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 "Ensuring Vaccination
- 5 and Treatment Affordability Act".

SEC. 2. COVERAGE AT NO COST SHARING OF COVID-19 VAC-

### 2 CINE AND TREATMENT. 3 (a) MEDICAID.— 4 (1) IN GENERAL.—Section 1905(a)(4) of the 5 Social Security Act (42 U.S.C. 1396d(a)(4)) is 6 amended— (A) by striking "and (D)" and inserting 7 "(D)"; and 8 9 (B) by striking the semicolon at the end and inserting "; (E) a COVID-19 vaccine li-10 11 censed under section 351 of the Public Health 12 Service Act and the administration of such vac-13 cine; and (F) items and services furnished for 14 the treatment of COVID-19 or a condition that 15 may complicate the treatment of COVID-19;". 16 (2) Prohibition of cost sharing.— 17 (A) IN GENERAL.—Subsections (a)(2) and 18 (b)(2) of section 1916 of the Social Security 19 Act (42 U.S.C. 13960) are each amended— 20 (i) in subparagraph (F), by striking 21 "or" at the end: 22 (ii) in subparagraph (G), by striking "; and" and inserting ", or"; and 23 24 (iii) by adding at the end the fol-25 lowing subparagraphs:

1	"(H) a COVID-19 vaccine licensed under
2	section 351 of the Public Health Service Act
3	and the administration of such vaccine, or
4	"(I) any item or service furnished for the
5	treatment of COVID-19 or a condition that
6	may complicate the treatment of COVID-19;
7	and".
8	(B) APPLICATION TO ALTERNATIVE COST
9	Sharing.—Section 1916A(b)(3)(B) of the So-
10	cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
11	is amended—
12	(i) in clause (xi), by striking "any
13	visit" and inserting "any service"; and
14	(ii) by adding at the end the following
15	clauses:
16	"(xii) A COVID-19 vaccine licensed
17	under section 351 of the Public Health
18	Service Act and the administration of such
19	vaccine.
20	"(xiii) An item or service furnished
21	for the treatment of COVID-19 or a con-
22	dition that may complicate the treatment
23	of COVID-19.".
24	(C) CLARIFICATION.—The amendments
25	made in this subsection shall apply with respect

1	to a State plan of a territory in the same man-
2	ner as a State plan of one of the 50 States.
3	(b) State Pediatric Vaccine Distribution Pro-
4	GRAM.—Section 1928 of the Social Security Act (42
5	U.S.C. 1396s) is amended—
6	(1) in subsection $(a)(1)$ —
7	(A) in subparagraph (A), by striking ";
8	and" and inserting a semicolon;
9	(B) in subparagraph (B), by striking the
10	period and inserting "; and; and
11	(C) by adding at the end the following sub-
12	paragraph:
13	"(C) each vaccine-eligible child (as defined
14	in subsection (b)) is entitled to receive a
15	COVID-19 vaccine from a program-registered
16	provider (as defined in subsection (h)(8)) with-
17	out charge for—
18	"(i) the cost of such vaccine; or
19	"(ii) the administration of such vac-
20	cine.";
21	(2) in subsection $(c)(2)$ —
22	(A) in subparagraph (C)(ii), by inserting ",
23	but may not impose a fee for the administration
24	of a COVID-19 vaccine" before the period: and

1	(B) by adding at the end the following sub-
2	paragraph:
3	"(D) The provider will provide and admin-
4	ister an approved COVID-19 vaccine to a vac-
5	cine-eligible child in accordance with the same
6	requirements as apply under the preceding sub-
7	paragraphs to the provision and administration
8	of a qualified pediatric vaccine to such a
9	child."; and
10	(3) in subsection (d)(1), in the first sentence
11	by inserting ", including with respect to a COVID-
12	19 vaccine licensed under section 351 of the Public
13	Health Service Act" before the period.
14	(c) CHIP.—
15	(1) In General.—Section 2103(c) of the So-
16	cial Security Act (42 U.S.C. 1397cc(c)) is amended
17	by adding at the end the following paragraph:
18	"(11) COVERAGE OF COVID-19 VACCINES AND
19	TREATMENT.—The child health assistance provided
20	to a targeted low-income child shall include coverage
21	of—
22	"(A) any COVID-19 vaccine licensed
23	under section 351 of the Public Health Service
24	Act and the administration of such vaccine; and

1	"(B) any item or service furnished for the
2	treatment of COVID-19 or a condition that
3	may complicate the treatment of COVID-19.".
4	(2) Prohibition of Cost Sharing.—Section
5	2103(e)(2) of the Social Security Act (42 U.S.C.
6	1397ee(e)(2)), as amended by section $6004(b)(3)$ of
7	the Families First Coronavirus Response Act, is
8	amended—
9	(A) in the paragraph header, by inserting
10	"A COVID-19 VACCINE, COVID-19 TREATMENT,"
11	before "OR PREGNANCY-RELATED ASSISTANCE";
12	and
13	(B) by striking "visits described in section
14	1916(a)(2)(G), or" and inserting "services de-
15	scribed in section 1916(a)(2)(G), vaccines de-
16	scribed in section 1916(a)(2)(H), items or serv-
17	ices described in section 1916(a)(2)(I), or".
18	(d) Conforming Amendments.—Section 1937 of
19	the Social Security Act (42 U.S.C. 1396u-7) is amend-
20	ed—
21	(1) in subsection $(a)(1)(B)$ , by inserting ",
22	under subclause (XXIII) of section
23	1902(a)(10)(A)(ii)," after "section
24	1902(a)(10)(A)(i)'': and

1	(2) in subsection $(b)(b)$ , by adding before the
2	period the following: ", and, effective on the date of
3	the enactment of the Ensuring Vaccination and
4	Treatment Affordability Act, must comply with sub-
5	paragraphs (F) through (I) of subsections $(a)(2)$
6	and (b)(2) of sections 1916 and 1916A".
7	(e) Effective Date.—The amendments made by
8	this section shall take effect on the date of enactment of
9	this Act and shall apply with respect to a COVID–19 vac-
10	cine beginning on the date that such vaccine is licensed

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 $11\,$  under section 351 of the Public Health Service Act (42

12 U.S.C. 262).