

(1) is furnished to an individual described in subsection (a)—

- (A) during a presumptive eligibility period;
- (B) by a<sup>1</sup> entity that is eligible for payments under the State plan; and

(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1396d(b) of this title.

(Aug. 14, 1935, ch. 531, title XIX, § 1920B, as added Pub. L. 106-354, § 2(b)(1), Oct. 24, 2000, 114 Stat. 1382.)

#### EFFECTIVE DATE

Section applicable to medical assistance for items and services furnished on or after Oct. 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date, see section 2(d) of Pub. L. 106-354, set out as an Effective Date of 2000 Amendment note under section 1396a of this title.

### § 1396r-1c. Presumptive eligibility for family planning services

#### (a) State option

State<sup>1</sup> plan approved under section 1396a of this title may provide for making medical assistance available to an individual described in section 1396a(ii) of this title (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1396a(ii) of this title, such medical assistance shall be limited to family planning services and supplies described in 1396d(a)(4)(C)<sup>2</sup> of this title and, at the State's option, medical diagnosis and treatment services that are provided in conjunction with a family planning service in a family planning setting.

#### (b) Definitions

For purposes of this section:

##### (1) Presumptive eligibility period

The term “presumptive eligibility period” means, with respect to an individual described in subsection (a), the period that—

- (A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1396a(ii) of this title; and
- (B) ends with (and includes) the earlier of—

- (i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

- (ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

<sup>1</sup> So in original. Probably should be “an”.

<sup>2</sup> So in original. Probably should be preceded by “A”.

<sup>3</sup> So in original. Probably should be preceded by “section”.

#### (2) Qualified entity

##### (A) In general

Subject to subparagraph (B), the term “qualified entity” means any entity that—

- (i) is eligible for payments under a State plan approved under this subchapter; and
- (ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

##### (B) Rule of construction

Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

#### (c) Administration

##### (1) In general

The State agency shall provide qualified entities with—

- (A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and
- (B) information on how to assist such individuals in completing and filing such forms.

#### (2) Notification requirements

A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

- (A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

- (B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

#### (3) Application for medical assistance

In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

#### (d) Payment

Notwithstanding any other provision of law, medical assistance that—

- (1) is furnished to an individual described in subsection (a)—

- (A) during a presumptive eligibility period; and

- (B) by a<sup>3</sup> entity that is eligible for payments under the State plan; and

- (2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1396d(b) of this title.

(Aug. 14, 1935, ch. 531, title XIX, § 1920C, as added Pub. L. 111-148, title II, § 2303(b)(1), Mar. 23, 2010, 124 Stat. 294.)

<sup>3</sup> So in original. Probably should be “an”.

## EFFECTIVE DATE

Section effective Mar. 23, 2010, and applicable to items and services furnished on or after such date, see section 2303(d) of Pub. L. 111-148, set out as an Effective and Termination Dates of 2010 Amendment note under section 1396a of this title.

**§ 1396r-2. Information concerning sanctions taken by State licensing authorities against health care practitioners and providers**

**(a) Information reporting requirement**

The requirement referred to in section 1396a(a)(49) of this title is that the State must provide for the following:

**(1) Information reporting system**

**(A) Licensing or certification actions**

The State must have in effect a system of reporting the following information with respect to formal proceedings (as defined by the Secretary in regulations) concluded against a health care practitioner or entity by a State licensing or certification agency:

- (i) Any adverse action taken by such licensing authority as a result of the proceeding, including any revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation.
- (ii) Any dismissal or closure of the proceedings by reason of the practitioner or entity surrendering the license or leaving the State or jurisdiction.
- (iii) Any other loss of license or the right to apply for, or renew, a license by the practitioner or entity, whether by operation of law, voluntary surrender, non-renewability, or otherwise.
- (iv) Any negative action or finding by such authority, organization, or entity regarding the practitioner or entity.

**(B) Other final adverse actions**

The State must have in effect a system of reporting information with respect to any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner by a State law or fraud enforcement agency.

**(2) Access to documents**

The State must provide the Secretary (or an entity designated by the Secretary) with access to such documents of a State licensing or certification agency or State law or fraud enforcement agency as may be necessary for the Secretary to determine the facts and circumstances concerning the actions and determinations described in such paragraph for the purpose of carrying out this chapter.

**(b) Form of information**

The information described in subsection (a)(1) shall be provided to the Secretary (or to an appropriate private or public agency, under suitable arrangements made by the Secretary with respect to receipt, storage, protection of confidentiality, and dissemination of information) in such a form and manner as the Secretary determines to be appropriate in order to provide for activities of the Secretary under this chap-

ter and in order to provide, directly or through suitable arrangements made by the Secretary, information—

(1) to agencies administering Federal health care programs, including private entities administering such programs under contract,

(2) to State licensing or certification agencies and Federal agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners;<sup>1</sup>

(3) to State agencies administering or supervising the administration of State health care programs (as defined in section 1320a-7(h) of this title),

(4) to utilization and quality control peer review organizations<sup>2</sup> described in part B of subchapter XI and to appropriate entities with contracts under section 1320c-3(a)(4)(C)<sup>3</sup> of this title with respect to eligible organizations reviewed under the contracts, but only with respect to information provided pursuant to subsection (a)(1)(A),

(5) to State law or fraud enforcement agencies,

(6) to hospitals and other health care entities (as defined in section 431 of the Health Care Quality Improvement Act of 1986 [42 U.S.C. 11151]), with respect to physicians or other licensed health care practitioners that have entered (or may be entering) into an employment or affiliation relationship with, or have applied for clinical privileges or appointments to the medical staff of, such hospitals or other health care entities (and such information shall be deemed to be disclosed pursuant to section 427 [42 U.S.C. 11137] of, and be subject to the provisions of, that Act [42 U.S.C. 11101 et seq.]), but only with respect to information provided pursuant to subsection (a)(1)(A),

(7) to health plans (as defined in section 1320a-7c(c) of this title);<sup>1</sup>

(8) to the Attorney General and such other law enforcement officials as the Secretary deems appropriate, and

(9) upon request, to the Comptroller General, in order for such authorities to determine the fitness of individuals to provide health care services, to protect the health and safety of individuals receiving health care through such programs, and to protect the fiscal integrity of such programs.

**(c) Confidentiality of information provided**

The Secretary shall provide for suitable safeguards for the confidentiality of the information furnished under subsection (a). Nothing in this subsection shall prevent the disclosure of such information by a party which is otherwise authorized, under applicable State law, to make such disclosure.

**(d) Disclosure and correction of information**

**(1) Disclosure**

With respect to information reported pursuant to subsection (a)(1), the Secretary shall—

<sup>1</sup> So in original. The semicolon probably should be a comma.

<sup>2</sup> So in original. Probably should be “to quality improvement organizations”.

<sup>3</sup> See References in Text note below.