



Region 10  
2201 Sixth Avenue, MS/RX-40  
Seattle, Washington 98121

March 25, 2002

TL #02-001

Dear Tribal Leader –

The purpose of this letter is to provide information on the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 (copy enclosed). This new law extends the benefits of the Breast and Cervical Cancer Prevention and Treatment (BCCPT) Act of 2000 to additional American Indian and Alaska Native (AI/AN) women.

The BCCPT Act of 2000 amended title XIX of the Social Security Act (Medicaid) to make enhanced Federal matching funds available to states for the cost of extending Medicaid eligibility to a new group of individuals previously not eligible under the program. This option allows states to provide full Medicaid benefits to uninsured women under age 65 who are screened by the Centers for Disease Control and Prevention's (CDC) National Breast and Cervical Cancer Early Detection Program (NBCCEDP) and need treatment for breast or cervical cancer, including pre-cancerous conditions and early stage cancer. The Act also allows states to extend presumptive eligibility to applicants in order to ensure that needed treatment begins as early as possible.

Under BCCPT, one of four eligibility requirements is that a woman must be uninsured, which was defined in the original law as "not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act." Since medical care programs of the Indian Health Service (IHS) or of a tribal organization are defined as creditable coverage under that provision, some AI/AN women could not be eligible through the BCCPT Medicaid option. On January 15, 2002, the President signed into law the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001. This technical amendment removes a medical care program of the Indian Health Service or of a tribal organization from the definition of creditable coverage for purposes of determining eligibility for the BCCPT Medicaid option.

The technical amendment takes effect as if included in the enactment of the BCCPT Act of 2000. Since the BCCPT Act has an effective date of October 1, 2000, states may extend Medicaid retroactive eligibility to AI/AN women who were previously denied eligibility or have pending applications under the BCCPT Medicaid option. State

Expenditures for AI/AN women eligible during this retroactive period will be matched at the same enhanced Federal Medical Assistance Percentage (FMAP) available for expenditures under the BCCPT Medicaid option. Should treatment services be provided in an IHS or Tribal facility, 100 percent FMAP continues to apply. Of course, such retroactive eligibility cannot be any earlier than 3 months prior to application, or earlier than the effective date of the state's plan amendment to provide coverage to this group of women.

If you have any questions, please contact Ernie Kimball, Regional Office American Indian/Alaska Native Liason, who may be reached at 206-615-2428 or via e-mail at [ekimball@cms.hhs.gov](mailto:ekimball@cms.hhs.gov).

Sincerely,

///s///

Linda A. Ruiz  
Regional Administrator

Enclosure

cc:

State Medicaid Directors

Tribal Health Directors

Indian Health Services Area Directors, Alaska and Portland

Urban Indian Health Program Directors, Portland, Seattle, and Spokane

CMS Associate Regional Administrators for Medicaid and State Operations

Cynthia J. Navarrette, PHR, President, Alaska Native Health Board

Ed Fox, Executive Director, Northwest Portland Area Indian Health Board

Dr. Michael H. Trujillo, MD, MPH, MS, Director, Indian Health Service

Paul Orbuck, Western Governors' Association

Yvette Joseph-Fox, Executive Director, National Indian Health Board

Jacqueline Johnson, Executive Director, National Congress of American Indian

Trudi Matthews, Senior Health Policy Analyst, Council of State Governments

Jennifer King, Director of Health and Human Services Task Force, American Legislative  
Exchange Council

Dave Baldrige, Executive Director, National Indian Council on Aging

Jim Roberts, National Indian Health Board

Jack Jackson, Government Affairs Director, National Congress of American Indians

Sarah Hicks, National Congress of American Indians

Beverly Russell, Executive Director, National Council on Urban Indian Health

Lee Partridge, Director, Health Policy Unit, American Public Human Services Association

Joy Wilson, Director Health Committee, National Conference of State Legislatures

Matt Salo, Director of Health Legislation, National Governors Association

Brent Ewig, Senior Director, Policy Access, Association of State and Territorial Health  
Officials

Margaret Brome, Public Health Advisor, Centers for Disease Control and Prevention

Cindy French, Public Health Advisor, Centers for Disease Control and Prevention

Don Shriber, Centers for Disease Control & Prevention, State Chronic Disease Directors

Heather Mizeru, Director of State Affairs, National Association of Community Health  
Centers, Inc.

**Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 (Enrolled Bill)**

--S.1741--

S.1741

*One Hundred Seventh Congress*

*of the*

*United States of America*

*AT THE FIRST SESSION*

Begun and held at the City of Washington on Wednesday, the third day of January, two thousand and one

An Act

To amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001'.

**SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.**

- (a) TECHNICAL AMENDMENT- The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) is amended in paragraph (4) by inserting ` , but applied without regard to paragraph (1)(F) of such section' before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS-

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as so enacted into law), is amended by striking `subsection (aa)' and inserting `subsection (bb)'.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-574) (as so enacted into law), is amended by striking `1902(aa)' and inserting `1902(bb)'.

(c) EFFECTIVE DATES-

(1) BCCPTA TECHNICAL AMENDMENT- The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS- The amendments made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554).

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.