

104TH CONGRESS  
2D SESSION

# H. R. 3004

To amend title XVIII of the Social Security Act to extend the maximum period permitted between standard surveys of home health agencies and to expand the scope of “deemed status” and permit recognition of surveys by national accreditation bodies for providers under the medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1996

Mrs. LINCOLN (for herself, Mr. TAUZIN, Mr. POSHARD, Mr. HUTCHINSON, and Mr. MINGE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to extend the maximum period permitted between standard surveys of home health agencies and to expand the scope of “deemed status” and permit recognition of surveys by national accreditation bodies for providers under the medicare program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CHANGE IN INTERVALS BETWEEN STANDARD**  
 2 **SURVEYS FOR HOME HEALTH AGENCIES**  
 3 **UNDER THE MEDICARE PROGRAM.**

4 Section 1891(c)(2)(A) of the Social Security Act (42  
 5 U.S.C. 1395bbb(c)(2)(A)) is amended—

6 (1) by striking “15 months” and inserting “36  
 7 months”, and

8 (2) by amending the second sentence to read as  
 9 follows: “The Secretary shall establish statewide av-  
 10 erage intervals between standard surveys that are  
 11 consistent with the previous sentence and the need  
 12 to assure the delivery of quality home health serv-  
 13 ices.”.

14 **SEC. 2. EXPANSION OF “DEEMED STATUS” AND RECOGNI-**  
 15 **TION OF SURVEYS BY NATIONAL ACCREDITA-**  
 16 **TION BODIES FOR PROVIDERS UNDER THE**  
 17 **MEDICARE PROGRAM.**

18 (a) DEEMED STATUS.—

19 (1) IN GENERAL.—Section 1865(a) of the So-  
 20 cial Security Act (42 U.S.C. 1395bb(a)) is amend-  
 21 ed—

22 (A) in the third sentence—

23 (i) by striking “of section  
 24 1832(a)(2)(F)(i)” and all that follows  
 25 through “deems it appropriate” and insert-

1 ing “or requirements of this title are met,  
2 the Secretary shall”, and

3 (ii) by striking “the condition or con-  
4 ditions” and inserting “any condition or  
5 requirement”; and

6 (B) by inserting after the third sentence  
7 the following: “The Secretary shall approve or  
8 deny a written request for such a finding (and  
9 publish notice of such approval or denial) not  
10 later than 120 days after the date such a re-  
11 quest (with any documentation necessary to  
12 make a determination on the request) is re-  
13 ceived. The Secretary shall provide notice and a  
14 period of at least 30 days (during such 120  
15 days) for public comment on such a written re-  
16 quest.”.

17 (2) CONFORMING AMENDMENT.—Section  
18 1834(j)(1)(E) of such Act (42 U.S.C.  
19 1395m(j)(1)(E)) is amended by inserting “or as au-  
20 thorized under section 1864(a) or the third sentence  
21 of section 1865(a)” after “section 1842”.

22 (b) RECOGNITION OF SURVEYS OF NATIONAL AC-  
23 CREDITATION BODIES.—Section 1864 of such Act (42  
24 U.S.C. 1395aa) is amended by adding at the end the fol-  
25 lowing new subsection:

1       “(f)(1) The Secretary shall treat an entity referred  
2 to in subsection (a) as meeting the applicable require-  
3 ments or standards described in such subsection if the en-  
4 tity has been determined to meet such requirements or  
5 standards by a national accreditation body that deter-  
6 mines compliance with such requirements or standards in  
7 a manner that the Secretary finds is comparable to the  
8 manner in which a State agency would otherwise deter-  
9 mine compliance with such requirements or standards  
10 under an agreement under this section.

11       “(2) The Secretary shall approve or disapprove a  
12 written request for such a finding (and publish notice of  
13 such approval or denial) not later than 120 days after the  
14 date such a request (with any documentation necessary  
15 to make the determination on the request) is received. The  
16 Secretary shall provide notice and a period of at least 30  
17 days (during such 120 days) for public comment on the  
18 request.”.

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