

105TH CONGRESS
2^D SESSION

H. R. 4650

To amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1998

Mr. LAZIO of New York (for himself, Mr. STARK, Mr. HASTERT, Mr. CAMP, Mrs. KELLY, Mrs. MORELLA, Mr. ROGAN, Mr. EHLERS, Mr. BARRETT of Wisconsin, Mr. SHAYS, Ms. PRYCE of Ohio, Mr. MCHUGH, and Mr. VENTO) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

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 “Senior Citizen Protec-
5 tion Act of 1998”.

1 **SEC. 2. EXTENSION OF AUTHORITY OF STATE MEDICAID**
2 **FRAUD CONTROL UNITS.**

3 (a) **EXTENSION OF CONCURRENT AUTHORITY TO IN-**
4 **VESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL**
5 **HEALTH CARE PROGRAMS.**—Section 1903(q)(3) of the
6 Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

7 (1) by inserting “(A)” after “in connection
8 with”; and

9 (2) by striking “title.” and inserting “title; and
10 (B) upon the approval of the Inspector General of
11 the relevant Federal agency in a particular case or
12 investigation, any aspect of the provision of health
13 care services and activities of providers of such serv-
14 ices under any Federal health care program (as de-
15 fined in section 1128B(f)(1)), if (i) the suspected
16 fraud or violation of law in such case or investiga-
17 tion is primarily related to the State plan under this
18 title, and (ii) when such approval is granted, the In-
19 spector General of the relevant Federal agency re-
20 tains the continuing authority to join the case or in-
21 vestigation, or after consultation with the entity, to
22 replace the entity as the primary agency assigned to
23 the case or investigation.”.

24 (b) **RECOUPMENT OF FUNDS.**—Section 1903(q)(5) of
25 such Act (42 U.S.C. 1396b(q)(5)) is amended—

1 (1) by inserting “or under any Federal health
2 care program (as so defined)” after “plan”; and

3 (2) by adding at the end the following: “All
4 funds collected in accordance with this paragraph
5 shall be credited exclusively to, and available for ex-
6 penditure under, the Federal health care program
7 (including the State plan under this title) that was
8 subject to the activity that was the basis for the col-
9 lection.”.

10 (c) EXTENSION OF AUTHORITY TO INVESTIGATE
11 AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID
12 BOARD AND CARE FACILITIES.—Section 1903(q)(4) of
13 such Act (42 U.S.C. 1396b(q)(4)) is amended to read as
14 follows:

15 “(4)(A) The entity has—

16 “(i) procedures for reviewing complaints of
17 abuse or neglect of patients in health care fa-
18 cilities which receive payments under the State
19 plan under this title;

20 “(ii) procedures for acting upon such com-
21 plaints under the criminal laws of the State or
22 for referring such complaints to other State
23 agencies for action; and

24 “(iii) at the option of the entity, proce-
25 dures for assisting State and local agencies,

1 upon their request, with investigating com-
2 plaints of abuse or neglect of patients residing
3 in board and care facilities.

4 “(B) For purposes of this paragraph, the term
5 ‘board and care facility’ means a residential setting
6 which receives payment (regardless of whether such
7 payment is made under the State plan under this
8 title) from or on behalf of two or more unrelated
9 adults who reside in such facility, and for whom one
10 or both of the following is provided:

11 “(i) Nursing care services provided by, or
12 under the supervision of, a registered nurse, li-
13 censed practical nurse, or licensed nursing as-
14 sistant.

15 “(ii) A substantial amount of personal care
16 services that assist residents with the activities
17 of daily living, including personal hygiene,
18 dressing, bathing, eating, toileting, ambulation,
19 transfer, positioning, self-medication, body care,
20 travel to medical services, essential shopping,
21 meal preparation, laundry, and housework.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section take effect on the date of enactment of this
24 Act.

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