

105TH CONGRESS
2^D SESSION

S. 2040

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 SENATE OF THE UNITED STATES

MAY 7, 1998

Mr. BAUCUS (for himself, Mr. GRAHAM, Mr. BREAUX, Mr. REID, Mr. GRASSLEY, Ms. MIKULSKI, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Finance

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, any aspect of the provi-
12 sion of health care services and activities of provid-
13 ers of such services under any Federal health care
14 program (as defined in section 1128B(f)(1)), if the
15 suspected fraud or violation of law is primarily relat-
16 ed to the State plan under this title.”.

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

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

21 (2) by adding at the end the following: “Funds
22 collected in accordance with this paragraph shall be
23 credited to, and available for expenditure under, the
24 Federal health care program (including the State
25 plan under this title) that was subject to the activity
26 that was the basis for the collection.”.

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

6 “(4)(A) The entity has—

7 “(i) procedures for reviewing complaints of
8 abuse or neglect of patients in health care fa-
9 cilities which receive payments under the State
10 plan under this title;

11 “(ii) at the option of the entity, procedures
12 for reviewing complaints of abuse or neglect of
13 patients residing in board and care facilities;
14 and

15 “(iii) procedures for acting upon such com-
16 plaints under the criminal laws of the State or
17 for referring such complaints to other State
18 agencies for action.

19 “(B) For purposes of this paragraph, the term
20 ‘board and care facility’ means a residential setting
21 which receives payment (regardless of whether such
22 payment is made under the State plan under this
23 title) from or on behalf of two or more unrelated
24 adults who reside in such facility, and for whom one
25 or both of the following is provided:

1 “(i) Nursing care services provided by, or
2 under the supervision of, a registered nurse, li-
3 censed practical nurse, or licensed nursing as-
4 sistant.

5 “(ii) A substantial amount of personal care
6 services that assist residents with the activities
7 of daily living, including personal hygiene,
8 dressing, bathing, eating, toileting, ambulation,
9 transfer, positioning, self-medication, body care,
10 travel to medical services, essential shopping,
11 meal preparation, laundry, and housework.”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section take effect on the date of enactment of this
14 Act.

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