

106TH CONGRESS  
1ST SESSION

# H. R. 1529

To require the Secretary of Health and Human Services to modify the treatment of certain patient days for purposes of determining the amount of disproportionate share adjustment payments to hospitals under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1999

Mr. ENGLISH (for himself, Mr. COYNE, Mr. WELDON of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. BORSKI, Mr. GEKAS, Mr. DOYLE, Mr. GOODLING, Mr. FATTAH, Mr. GREENWOOD, Mr. HOEFFEL, Mr. PITTS, Mr. HOLDEN, Mr. SHERWOOD, Mr. KANJORSKI, Mr. SHUSTER, Mr. KLINK, Mr. MURTHA, Mr. TOOMEY, and Mr. MASCARA) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To require the Secretary of Health and Human Services to modify the treatment of certain patient days for purposes of determining the amount of disproportionate share adjustment payments to hospitals 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indigent Care Reim-  
5 bursement Act of 1999”.

1 **SEC. 2. TREATMENT OF CERTAIN PATIENT DAYS IN DETER-**  
2 **MINING DSH PAYMENTS UNDER MEDICARE.**

3 (a) LIMIT ON DISALLOWANCES.—The Secretary of  
4 Health and Human Services (in this section referred to  
5 as the “Secretary”) may not—

6 (1) in calculating the disproportionate patient  
7 percentage (as defined in section 1886(d)(5)(F)(vi)  
8 of the Social Security Act (42 U.S.C.  
9 1395ww(d)(5)(F)(vi))) of a hospital that is located  
10 in a subsection (c) State for discharges occurring be-  
11 fore October 1, 1998, treat patient days for individ-  
12 uals eligible for general assistance under the laws of  
13 such State, for purposes of subclause (II) of such  
14 section, as not consisting of patients who (for such  
15 days) were eligible for medical assistance under a  
16 State plan approved under title XIX of such Act; or

17 (2) recoup payments from (or otherwise reduce,  
18 disallow, or adjust payments under title XVIII of  
19 such Act to) such a hospital for discharges occurring  
20 before such date based on the treatment of patient  
21 days for general assistance in the manner prohibited  
22 by paragraph (1).

23 (b) REFUNDS OF RECOUPED AMOUNTS.—If, before  
24 the date of the enactment of this section, the Secretary  
25 has recouped payments from (or otherwise reduced, dis-  
26 allowed, or adjusted payments under title XVIII of such

1 Act to) a hospital that is located in a subsection (c) State  
2 based on the treatment of patient days for general assist-  
3 ance in the manner prohibited by subsection (a)(1), the  
4 Secretary shall refund to the hospital the portion of the  
5 amount recouped, reduced, disallowed, or adjusted that is  
6 attributable to discharges occurring before October 1,  
7 1998.

8 (c) SUBSECTION (c) STATE DEFINED.—For purposes  
9 of this section, the term “subsection (c) State” means a  
10 State that meets the following requirements:

11 (1) No subsection (d) hospital (as defined in  
12 section 1886(d)(1)(B) of such Act (42 U.S.C.  
13 1395ww(d)(1)(B))) located in the State is owned  
14 and operated by a unit of State or local government.

15 (2) The total amount of payments under section  
16 1886(d)(5)(F) of such Act (42 U.S.C.  
17 1395ww(d)(5)(F)) (relating to disproportionate  
18 share payments) for hospitals located in the State  
19 that were included in a medicare public use file enti-  
20 tled “PPS XIII Hospital Data Set” is not less than  
21 \$150,000,000 nor more than \$170,000,000.

22 (3) The total number of individuals residing in  
23 the State and enrolled in an insurance program es-  
24 tablished under title XVIII of such Act during cal-

1       endar year 1996 was more than 2,000,000, but less  
2       than 2,200,000.

3               (4) More than 15.8 percent of the individuals  
4       residing in the State during 1995 had attained age  
5       65.

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