

106TH CONGRESS
1ST SESSION

H. R. 3004

To amend title XVIII of the Social Security Act to permit a Medicare beneficiary enrolled in a Medicare+Choice plan to elect to receive covered skilled nursing facility services at the skilled nursing facility in which the beneficiary or spouse resides or which is part of the continuing care retirement community in which the beneficiary resides.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 1999

Mr. BROWN of Ohio (for himself, Mr. WAXMAN, Mr. STARK, Mr. FROST, Mr. FRANK of Massachusetts, and Mr. BRADY of Pennsylvania) 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

A BILL

To amend title XVIII of the Social Security Act to permit a Medicare beneficiary enrolled in a Medicare+Choice plan to elect to receive covered skilled nursing facility services at the skilled nursing facility in which the beneficiary or spouse resides or which is part of the continuing care retirement community in which the beneficiary resides.

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. SHORT TITLE.**

2 This Act may be cited as the “Medicare Return To
3 Home Act of 1999”.

4 **SEC. 2. PERMITTING MEDICARE+CHOICE BENEFICIARIES**
5 **TO RETURN TO NURSING HOME FOR RECEIPT**
6 **OF COVERED SKILLED NURSING FACILITY**
7 **SERVICES.**

8 (a) IN GENERAL.—Section 1852 of the Social Secu-
9 rity Act (42 U.S.C. 1395w–22) is amended by adding at
10 the end the following new subsection:

11 “(1) PERMITTING RETURN TO CERTAIN SKILLED
12 NURSING FACILITIES FOR THE RECEIPT OF COVERED
13 POST-HOSPITAL EXTENDED CARE SERVICES.—

14 “(1) IN GENERAL.—Insofar as a
15 Medicare+Choice plan provides for coverage of post-
16 hospital extended care services, the plan shall pro-
17 vide such coverage through a home skilled nursing
18 facility described in paragraph (2) and consistent
19 with paragraph (3) if the enrollee elects to receive
20 such coverage through such facility and the
21 facility—

22 “(A) has a contract with the
23 Medicare+Choice organization for the provision
24 of such services; or

25 “(B) agrees to accept substantially similar
26 payment under the same terms and conditions

1 that apply to similarly situated skilled nursing
2 facilities that are under contract with the
3 Medicare+Choice organization for the provision
4 of such services and through which the enrollee
5 would otherwise receive such services.

6 The organization shall provide payment to the home
7 skilled nursing facility consistent with the contract
8 described in subparagraph (A) or the agreement de-
9 scribed in subparagraph (B), as the case may be.

10 “(2) HOME SKILLED NURSING FACILITY.—For
11 purposes of this subsection, a home skilled nursing
12 facility described in this paragraph, with respect to
13 an enrollee who is entitled to receive post-hospital
14 extended care services under a Medicare+Choice
15 plan, is any of the following skilled nursing facilities:

16 “(A) SNF RESIDENCE AT TIME OF ADMIS-
17 SION.—The skilled nursing facility in which the
18 enrollee resided at the time of admission to the
19 hospital preceding the receipt of such post-hos-
20 pital extended care services.

21 “(B) SNF IN CONTINUING CARE RETIRE-
22 MENT COMMUNITY.—A skilled nursing facility
23 that is providing such services through a con-
24 tinuing care retirement community (as defined

1 in paragraph (5)) which provided residence to
2 the enrollee at the time of such admission.

3 “(C) SNF RESIDENCE OF SPOUSE AT TIME
4 OF DISCHARGE.—The skilled nursing facility in
5 which the spouse of the enrollee is residing at
6 the time of discharge from such hospital.

7 “(3) NO LESS FAVORABLE TERMS AND CONDI-
8 TIONS OF COVERAGE.—The coverage provided under
9 this subsection (including scope of services, cost-
10 sharing, and other criteria of coverage) shall be no
11 less favorable to the enrollee than the coverage that
12 would be provided to the enrollee with respect to a
13 skilled nursing facility the post-hospital extended
14 care services of which are otherwise covered under
15 the Medicare+Choice plan.

16 “(4) CONSTRUCTION.—Nothing in this sub-
17 section shall be construed—

18 “(A) as requiring coverage through a
19 skilled nursing facility that is not otherwise
20 qualified to provide benefits under part A for
21 medicare beneficiaries not enrolled in a
22 Medicare+Choice plan; and

23 “(B) as preventing a skilled nursing facil-
24 ity from refusing to accept, or imposing condi-

1 tions upon the acceptance of, an enrollee for the
2 receipt of post-hospital extended care services.

3 “(5) CONTINUING CARE RETIREMENT COMMU-
4 NITY DEFINED.—For purposes of this subsection,
5 the term ‘continuing care retirement community’
6 means, with respect to an enrollee in a
7 Medicare+Choice plan, an arrangement under which
8 housing and health-related services are provided (or
9 arranged) through an organization for the enrollee
10 under an agreement that is effective for the life of
11 the enrollee or for a specified period.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to contracts entered
14 into or renewed on or after the date of enactment of this
15 Act.

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