

106TH CONGRESS  
1ST SESSION

# S. 472

To amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Mr. GRASSLEY (for himself, Mr. REID, Mr. CONRAD, Mr. HOLLINGS, Mr. JOHNSON, Mr. DURBIN, Ms. COLLINS, Mr. DASCHLE, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

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 “Medicare Rehabilita-  
5 tion Benefit Improvement Act of 1999”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) To provide certain medicare beneficiaries  
4 with an exemption to the financial limitations im-  
5 posed on physical, speech-language pathology, and  
6 occupational therapy services under section 1833(g)  
7 of the Social Security Act (42 U.S.C. 1395l(g)).

8 (2) To direct the Secretary of Health and  
9 Human Services to conduct a study on the imple-  
10 mentation of such exemption and to submit a report  
11 to Congress that includes recommendations regard-  
12 ing alternatives to such financial limitations.

13 **SEC. 3. ESTABLISHMENT OF EXEMPTION TO CAP ON PHYS-**  
14 **ICAL, SPEECH-LANGUAGE PATHOLOGY, AND**  
15 **OCCUPATIONAL THERAPY SERVICES.**

16 (a) IN GENERAL.—Section 1833(g) of the Social Se-  
17 curity Act (42 U.S.C. 1395l(g)) is amended by adding at  
18 the end the following:

19 “(4)(A) The limitations in this subsection shall not  
20 apply to an individual described in subparagraph (B).

21 “(B) An individual described in this subparagraph is  
22 an individual that meets any of the following criteria:

23 “(i) The individual has received services de-  
24 scribed in paragraph (1) or (3) in a calendar year  
25 and is subsequently diagnosed with an illness, in-  
26 jury, or disability that requires the provision in such

1 year of additional such services that are medically  
2 necessary.

3 “(ii) The individual has a diagnosis that re-  
4 quires the provision of services described in para-  
5 graph (1) or (3) and an additional diagnosis or inci-  
6 dent that exacerbates the individual’s condition,  
7 thereby requiring the provision of additional such  
8 services.

9 “(iii) The individual will require hospitalization  
10 if the individual does not receive the services de-  
11 scribed in paragraph (1) or (3).

12 “(iv) The individual meets other criteria that  
13 the Secretary determines are appropriate.

14 “(C) Nothing in this paragraph shall be construed as  
15 affecting any requirement for, or limitation on, payment  
16 under this title (other than the financial limitation under  
17 this subsection).

18 “(D) Any service that is covered under this title by  
19 reason of this paragraph shall be subject to the same rea-  
20 sonable and necessary requirement under section  
21 1862(a)(1) that is applicable to the services described in  
22 paragraph (1) or (3) that are covered under this title with-  
23 out regard to this paragraph.”.

24 (b) CONFORMING AMENDMENTS.—Paragraphs (1)  
25 and (3) of section 1833(g) of the Social Security Act (42

1 U.S.C. 1395l(g)) are each amended by striking “In the  
2 case” and inserting “Subject to paragraph (4), in the  
3 case”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to services provided on or after  
6 the date of enactment of this Act.

7 **SEC. 4. STUDY AND REPORT TO CONGRESS.**

8 (a) STUDY.—The Secretary of Health and Human  
9 Services shall conduct a study on the amendments to sec-  
10 tion 1833(g) of the Social Security Act (42 U.S.C.  
11 1395l(g)) made by section 3 of this Act, including a study  
12 of—

13 (1) the number of medicare beneficiaries that  
14 receive exemptions under paragraph (4) of such sec-  
15 tion (as added by section 3);

16 (2) the diagnoses of such beneficiaries;

17 (3) the types of physical, speech-language pa-  
18 thology, and occupational therapy services that are  
19 covered under the medicare program because of such  
20 exemptions;

21 (4) the settings in which such services are pro-  
22 vided; and

23 (5) the number of medicare beneficiaries that  
24 reach the financial limitation under section 1833(g)  
25 of the Social Security Act in a year (without regard

1 to the amendments to such section made by section  
2 3 of this Act) and subsequently receive physical,  
3 speech-language pathology, or occupational therapy  
4 services in such year at an outpatient hospital de-  
5 partment.

6 (b) REPORT.—Not later than 2 years after the date  
7 of enactment of this Act, the Secretary of Health and  
8 Human Services shall submit a detailed report to Congress  
9 on the study conducted pursuant to paragraph (1), and  
10 shall include in the report recommendations regarding al-  
11 ternatives to the financial limitations on physical, speech-  
12 language pathology, and occupational therapy services  
13 under section 1833(g) of the Social Security Act and any  
14 other recommendations determined appropriate by the  
15 Secretary. Such report shall be included in the report re-  
16 quired to be submitted to Congress pursuant to section  
17 4541(d)(2) of the Balanced Budget Act of 1997 (42  
18 U.S.C. 1395l note).

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