

107TH CONGRESS
1ST SESSION

H. R. 3360

To delay until at least January 1, 2003, any changes in Medicaid regulations that modify the Medicaid upper payment limit for non-State Government-owned or operated hospitals.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2001

Mr. DEAL of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To delay until at least January 1, 2003, any changes in Medicaid regulations that modify the Medicaid upper payment limit for non-State Government-owned or operated hospitals.

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. DELAY IN MEDICAID UPL CHANGES FOR NON-**
4 **STATE GOVERNMENT-OWNED OR OPERATED**
5 **HOSPITALS.**

6 (a) CONGRESSIONAL FINDINGS.—Congress finds the
7 following:

1 (1) The Secretary of Health and Human Serv-
2 ices, in regulations promulgated on January 12,
3 2001, provided for an exception to the upper limits
4 on payment under State Medicaid plans so to permit
5 payment to city and county public hospitals at a rate
6 up to 150 percent of the Medicare payment rate.

7 (2) The Secretary justified this exception be-
8 cause these hospitals—

9 (A) provide access to a wide range of need-
10 ed care not often otherwise available in under-
11 served areas;

12 (B) deliver a significant proportion of un-
13 compensated care; and

14 (C) are critically dependent on public fi-
15 nancing sources, such as the Medicaid program.

16 (3) There has been no evidence presented to
17 Congress that has changed this justification for such
18 exception.

19 (b) MORATORIUM ON UPL CHANGES.—Any change
20 in the upper limits on payment under title XIX of the So-
21 cial Security Act for services of non-State government-
22 owned or operated hospitals that are specified in sections
23 447.272 and 447.321 of title 42, Code of Federal Regula-
24 tions as such sections were in effect on March 13, 2001,

1 whether based on the proposed rule published on Novem-
2 ber 23, 2001, or otherwise—

3 (1) may not be published in final form before
4 January 1, 2003; and

5 (2) may not apply for any period beginning be-
6 fore January 1, 2003.

7 (c) MITIGATION PLAN.—The Secretary of Health and
8 Human Services shall submit to the Congress, at least 3
9 months before publishing a final regulation described in
10 subsection (b), a report that contains a plan for mitigating
11 the loss of funding to non-State government-owned or op-
12 erated hospitals as a result of such regulation. Such report
13 shall also include such recommendations for legislative ac-
14 tion as the Secretary deems appropriate.

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