

107TH CONGRESS
2^D SESSION

H. R. 4112

To amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care in rural areas.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2002

Mr. MCINNIS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and 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 protect and preserve access of Medicare beneficiaries to health care in rural areas.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Medicare Rural Access Preservation Act of 2002”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. 2 year hold-harmless for sole community hospitals under outpatient prospective payment schedule.

Sec. 3. 20 percent increase in medicare payment for home health care furnished in a frontier area.

Sec. 4. Adjustment in critical access hospital bed limit.

Sec. 5. 15 percent increase in medicare payment for hospice care furnished in a frontier area.

Sec. 6. Treatment of eligibility for hospice care.

1 **SEC. 2. 2 YEAR HOLD-HARMLESS FOR SOLE COMMUNITY**
 2 **HOSPITALS UNDER OUTPATIENT PROSPEC-**
 3 **TIVE PAYMENT SCHEDULE.**

4 Section 1833(t)(7)(D) of the Social Security Act (42
 5 U.S.C. 1395l(t)(7)(D)) is amended by adding at the end
 6 the following new clause:

7 “(iii) TEMPORARY TREATMENT FOR
 8 SOLE COMMUNITY HOSPITALS.—In the
 9 case of a hospital described in section
 10 1886(d)(5)(C)(iii), for covered OPD serv-
 11 ices furnished during 2003 or 2004 for
 12 which the PPS amount is less than the
 13 pre-BBA amount, the amount of payment
 14 under this subsection shall be increased by
 15 the amount of such difference.”.

16 **SEC. 3. 20 PERCENT INCREASE IN MEDICARE PAYMENT**
 17 **FOR HOME HEALTH CARE FURNISHED IN A**
 18 **FRONTIER AREA.**

19 Section 1895(b)(4)(A) of the Social Security Act (42
 20 U.S.C. 1395fff(b)(4)(A)) is amended by adding at the end
 21 the following new clause:

1 “(iii) DIFFERENTIAL FOR FRONTIER
2 AREAS.—In the case of home health serv-
3 ices furnished in a frontier area on or after
4 January 1, 2003, and before January 1,
5 2007, the payment amount otherwise es-
6 tablished for services furnished, shall be in-
7 creased by 20 percent. For purposes of
8 this clause, the term ‘frontier area’ means
9 a county in which the population density is
10 less than 7 persons per square mile.”.

11 **SEC. 4. ADJUSTMENT IN CRITICAL ACCESS HOSPITAL BED**
12 **LIMIT.**

13 (a) IN GENERAL.—Section 1820(c)(2) of the Social
14 Security Act (42 U.S.C. 1395i-4(c)(2)) is amended—

15 (1) in subsection (c)(2)—

16 (A) in subparagraph (A), by striking “sub-
17 paragraphs (B), (C), and (D)” and inserting
18 “the succeeding provisions of this paragraph”;

19 (B) in subparagraph (B)(iii), by inserting
20 “subject to subparagraph (E),” after “(iii)”;
21 and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(E) HIGHER NUMBER OF BEDS PER-
25 MITTED SO LONG AS ANNUAL AVERAGE OF NOT

1 MORE THAN 12 BEDS.—The 15-bed limitation
2 specified in subparagraph (B)(iii) and sub-
3 section (f) shall not apply to a hospital that
4 provides assurances satisfactory to the Sec-
5 retary that it will maintain (on an annual basis)
6 an average daily inpatient census of acute care
7 patients of not more than 12.”; and

8 (2) in subsection (f), by inserting “except as
9 permitted under subsection (c)(2)(E)” after “15
10 beds”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect on January 1, 2003.

13 **SEC. 5. 15 PERCENT INCREASE IN MEDICARE PAYMENT**
14 **FOR HOSPICE CARE FURNISHED IN A FRON-**
15 **TIER AREA.**

16 Section 1814(i)(1) of the Social Security Act (42
17 U.S.C. 1395f(i)(1)) is amended by adding at the end the
18 following new subparagraph:

19 “(D) With respect to routine home care and other
20 services included in hospice care furnished in a frontier
21 area on or after January 1, 2003, and before January 1,
22 2007, the payment rates otherwise established for such
23 care and services shall be increased by 15 percent. For
24 purposes of this clause, the term ‘frontier area’ means a

1 county in which the population density is less than 7 per-
2 sons per square mile.”.

3 **SEC. 6. TREATMENT OF ELIGIBILITY FOR HOSPICE CARE.**

4 (a) DEEMED ELIGIBILITY BASED ON DEATH IN
5 FACT.—

6 (1) IN GENERAL.—Section 1814(i) of the Social
7 Security Act is amended by adding at the end the
8 following new paragraph:

9 “(4) For purposes of section 1814(a)(7)(A), the Sec-
10 retary and a fiscal intermediary shall not take any action
11 to deny payment for hospice care for an individual on the
12 basis that the individual is not terminally ill if the indi-
13 vidual dies within 6 months of the date the individual is
14 initially admitted into the hospice program for the receipt
15 of hospice care.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall take effect on January 1,
18 2003.

19 (b) CMS REPORT.—

20 (1) IN GENERAL.—The Administrator of the
21 Centers for Medicare & Medicaid Services shall
22 evaluate the standards used by fiscal intermediaries
23 in denying physician certifications under section
24 1814(a)(7) of the Social Security Act that an indi-
25 vidual is terminally ill (and thereby making such in-

1 individuals ineligible to elect the hospice care alter-
2 native) and the impact of such decisions on length
3 of stay. Such evaluation shall review the impact of
4 the amendments made by section 322(a) of the
5 Medicare, Medicaid, and SCHIP Benefits Improve-
6 ment and Protection Act of 2000 (114 Stat. 2763A-
7 501), as enacted into law by section 1(a)(6) of Pub-
8 lic Law 106-554 and the results of the study con-
9 ducted under section 322(b) of such Act of 2000.

10 (2) REPORT.—Not later than 6 months after
11 the date of the enactment of this Act, such Adminis-
12 trator shall submit to Congress a report on such
13 evaluation.

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