

108TH CONGRESS
1ST SESSION

H. R. 2246

To direct the Secretary of Health and Human Services to modify treatment categories for qualification as a rehabilitation hospital or unit for purposes of reimbursement under the Medicare prospective payment system for inpatient rehabilitation facilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. LOBIONDO (for himself, Mr. FROST, Mr. SAXTON, Mr. BRADLEY of New Hampshire, Mr. McNULTY, Mr. PALLONE, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. GARRETT of New Jersey, Mr. ANDREWS, and Mr. NEAL of Massachusetts) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To direct the Secretary of Health and Human Services to modify treatment categories for qualification as a rehabilitation hospital or unit for purposes of reimbursement under the Medicare prospective payment system for inpatient rehabilitation facilities.

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. MODIFICATION OF TREATMENT CATEGORIES**
2 **FOR QUALIFICATION AS A REHABILITATION**
3 **HOSPITAL OR UNIT FOR PURPOSES OF REIM-**
4 **BURSEMENT UNDER THE MEDICARE PRO-**
5 **SPECTIVE PAYMENT SYSTEM FOR INPATIENT**
6 **REHABILITATION FACILITIES.**

7 (a) REVISION OF REGULATIONS.—The Secretary of
8 Health and Human Services shall revise, in accordance
9 with subsection (b), the definition under medicare regula-
10 tions of the terms “rehabilitation hospital” and “rehabili-
11 tation unit” (as set forth under section 412.23(b) of title
12 42 of the Code of Federal Regulations) for purposes of
13 determining the applicable payment methodology under
14 title XVIII of the Social Security Act (42 U.S.C. 1395
15 et seq.).

16 (b) MODIFICATION OF 75 PERCENT RULE.—In de-
17 termining whether a rehabilitation hospital or unit is eligi-
18 ble for reimbursement for services furnished to medicare
19 beneficiaries under the prospective payment system for in-
20 patient rehabilitation facilities under section 1886(j) of
21 the Social Security Act (42 U.S.C. 1395ww(j)), the Sec-
22 retary shall modify the list of treatment categories other-
23 wise applicable under paragraph (2) of such section
24 412.23(b) (commonly referred to as the “75 Percent
25 Rule”) to include all rehabilitation impairment categories

1 (except miscellaneous) established by the Secretary for
2 purposes of such prospective payment system.

3 (c) PERIODIC UPDATE REQUIRED.—The Secretary
4 shall update the regulations described in subsection (a) pe-
5 riodically to ensure that the definitions of the terms “reha-
6 bilitation hospital” and “rehabilitation unit” remain whol-
7 ly consistent with all rehabilitation impairment categories
8 (except miscellaneous) on which payment under such sec-
9 tion 1886(j) is based.

10 (d) ENFORCEMENT.—Notwithstanding any other
11 provision of law, during the period beginning on the date
12 of enactment of this Act and ending no earlier than the
13 date that is six months after the date on which the Sec-
14 retary issues final regulations to comply with subsection
15 (a), the Secretary shall not commence any enforcement ac-
16 tion or impose any sanction or penalty pertaining to retro-
17 active enforcement of the 75 Percent Rule on a hospital
18 or unit for failure to meet the definition of rehabilitation
19 hospital set forth at 42 CFR 412.23(b) as of April 30,
20 2003.

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