

108TH CONGRESS
1ST SESSION

S. 1222

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2003

Mr. NELSON of Nebraska (for himself, Mr. BUNNING, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

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 Beneficiary
3 Access to Rehabilitation Facilities Act of 2003”.

4 **SEC. 2. DEFINITIONS OF REHABILITATION HOSPITAL; RE-**
5 **HABILITATION UNIT.**

6 Section 1886(j) of the Social Security Act (42 U.S.C.
7 1395ww(j)) is amended by adding at the end the following
8 new subsection:

9 “(8) DEFINITIONS OF REHABILITATION HOS-
10 PITAL; REHABILITATION UNIT.—

11 “(A) IN GENERAL.—The Secretary shall by
12 regulation define the terms ‘rehabilitation hos-
13 pital’ and ‘rehabilitation unit’ in a manner fully
14 consistent with all the rehabilitation impairment
15 categories (except miscellaneous) used to clas-
16 sify patients into case-mix groups pursuant to
17 paragraph (2).

18 “(B) PERIODIC UPDATE REQUIRED.—The
19 Secretary shall update the regulations promul-
20 gated under subparagraph (A) periodically to
21 ensure that such definitions remain fully con-
22 sistent with the rehabilitation impairment cat-
23 egories used to classify patients into case-mix
24 groups pursuant to paragraph (2).”.

1 **SEC. 3. PROHIBITION ON RETROACTIVE ENFORCEMENT.**

2 Notwithstanding any other provision of law, the Sec-
3 retary of Health and Human Services shall not seek to
4 recoup any overpayment, take any enforcement action, or
5 impose any sanction or penalty, with respect to a rehabili-
6 tation hospital, or a converted rehabilitation unit, (as such
7 terms are defined for purposes of the medicare program
8 under title XVIII of the Social Security Act) insofar as
9 such overpayment, enforcement action, sanction or pen-
10 alty, is for failure to satisfy the requirement of section
11 412.23(b)(2) of title 42, Code of Federal Regulations, that
12 75 percent of the patients of the rehabilitation hospital
13 or converted rehabilitation unit are in 1 or more of 10
14 listed treatment categories (commonly referred to as the
15 “75 Percent Rule”).

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