

110TH CONGRESS
2D SESSION

H. R. 7241

To preserve access to healthcare under the Medicare and Medicaid programs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2008

Mr. ENGEL (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. KING of New York, Mrs. CAPPS, Mr. MCHUGH, Ms. ESHOO, Mr. CROWLEY, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 preserve access to healthcare under the Medicare and Medicaid programs.

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 “Preserving Access to Healthcare (PATH) Act of 2008”.

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. Temporary non-application of Medicare phased-out indirect medical education adjustment factor.

Sec. 3. Delay in implementation of Medicaid outpatient hospital services regulation.

Sec. 4. Delay in phase out of the Medicare hospice budget neutrality adjustment factor.

Sec. 5. Treatment of certain Medicaid family demonstration project.

Sec. 6. Medicaid Improvement Fund technical correction.

Sec. 7. Funding for the Medicare Improvement Fund.

1 **SEC. 2. TEMPORARY NON-APPLICATION OF MEDICARE**
 2 **PHASED-OUT INDIRECT MEDICAL EDU-**
 3 **CATION ADJUSTMENT FACTOR.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
 5 sion of law, during the period beginning on October 1,
 6 2008, and ending on March 31, 2009, section 412.322 of
 7 title 42, Code of Federal Regulations, shall be applied
 8 without regard to paragraph (c) of such section.

9 (b) NO EFFECT ON SUBSEQUENT PERIODS.—Noth-
 10 ing in subsection (a) shall be construed as having any ef-
 11 fect on the application of section 412.322 of title 42, Code
 12 of Federal Regulations, after March 31, 2009.

13 **SEC. 3. DELAY IN IMPLEMENTATION OF MEDICAID OUT-**
 14 **PATIENT HOSPITAL SERVICES REGULATION.**

15 Notwithstanding any other provision of law, during
 16 the 6-month period that begins on the date of enactment
 17 of this Act, the Secretary of Health and Human Services
 18 shall not finalize or otherwise implement provisions con-
 19 tained in the proposed rule published on September 28,
 20 2007, on pages 55158 through 55166 of volume 72, Fed-
 21 eral Register (relating to parts 440 and 447 of title 42,
 22 Code of Federal Regulations).

1 **SEC. 4. DELAY IN PHASE OUT OF THE MEDICARE HOSPICE**
2 **BUDGET NEUTRALITY ADJUSTMENT FACTOR.**

3 Notwithstanding any other provision of law, including
4 the provisions contained in the final rule published on Au-
5 gust 8, 2008, on pages 46464 through 46522 of volume
6 73, Federal Register (relating to part 418 of title 42, Code
7 of Federal Regulations), the Secretary of Health and
8 Human Services shall not phase out or eliminate the budg-
9 et neutrality adjustment factor in the Medicare hospice
10 wage index prior to April 1, 2009.

11 **SEC. 5. TREATMENT OF CERTAIN MEDICAID FAMILY DEM-**
12 **ONSTRATION PROJECT.**

13 The Secretary of Health and Human Services, acting
14 through the Administrator of the Centers for Medicare &
15 Medicaid Services and upon the request of the State of
16 California, shall extend approval, and full Federal finan-
17 cial participation, of the State's Medicaid family planning
18 demonstration project, which was approved under a waiver
19 pursuant to section 1115 of the Social Security Act, until
20 June 30, 2009, under the eligibility requirements and
21 processes that were in place for such project as of the date
22 before the first extension period for such project.

23 **SEC. 6. MEDICAID IMPROVEMENT FUND TECHNICAL COR-**
24 **RECTION.**

25 (a) IN GENERAL.—Section 1941(b)(1)(B) of the So-
26 cial Security Act, as added by section 7002(b) of the Sup-

1 plemental Appropriations Act, 2008, is amended by insert-
2 ing “each of” after “for”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect as if included in the enact-
5 ment of the Supplemental Appropriations Act, 2008 (Pub-
6 lic Law 110–252).

7 **SEC. 7. FUNDING FOR THE MEDICARE IMPROVEMENT**
8 **FUND.**

9 Section 1898(b)(1) of the Social Security Act, as
10 added by section 7002(a) of the Supplemental Appropria-
11 tions Act, 2008 (Public Law 110–252) and as amended
12 by section 188(a)(2) of the Medicare Improvements for
13 Patients and Providers Act of 2008 (Public Law 110–275)
14 and by section 6 of the QI Program Supplemental Fund-
15 ing Act of 2008, is amended by striking “\$2,290,000,000”
16 and inserting “\$2,590,000,000”.

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