

111TH CONGRESS
2^D SESSION

H. R. 5712

AN ACT

To provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

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 “Veterans’, Seniors’,
3 and Children’s Health Technical Corrections Act of
4 2010”.

5 **SEC. 2. CLARIFICATION OF EFFECTIVE DATE OF PART B**
6 **SPECIAL ENROLLMENT PERIOD FOR DIS-**
7 **ABLED TRICARE BENEFICIARIES.**

8 Effective as if included in the enactment of Public
9 Law 111–148, section 3110(a)(2) of such Act is amended
10 to read as follows:

11 “(2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall apply to elections made on
13 and after the date of the enactment of this Act.”.

14 **SEC. 3. REPEAL OF DELAY OF RUG-IV.**

15 Effective as if included in the enactment of Public
16 Law 111–148, section 10325 of such Act is repealed.

17 **SEC. 4. CLARIFICATION FOR AFFILIATED HOSPITALS FOR**
18 **DISTRIBUTION OF ADDITIONAL RESIDENCY**
19 **POSITIONS.**

20 Effective as if included in the enactment of section
21 5503(a) of Public Law 111–148, section 1886(h)(8) of the
22 Social Security Act (42 U.S.C. 1395ww(h)(8)), as added
23 by such section 5503(a), is amended by adding at the end
24 the following new subparagraph:

25 “(I) AFFILIATION.—The provisions of this
26 paragraph shall be applied to hospitals which

1 are members of the same affiliated group (as
2 defined by the Secretary under paragraph
3 (4)(H)(ii)) and the reference resident level for
4 each such hospital shall be the reference resi-
5 dent level with respect to the cost reporting pe-
6 riod that results in the smallest difference be-
7 tween the reference resident level and the other-
8 wise applicable resident limit.”.

9 **SEC. 5. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEF-**
10 **INITION OF COVERED OUTPATIENT DRUGS**
11 **WITH RESPECT TO CHILDREN’S HOSPITALS**
12 **UNDER THE 340B DRUG DISCOUNT PROGRAM.**

13 (a) DEFINITION OF COVERED OUTPATIENT DRUG.—

14 (1) AMENDMENT.—Subsection (e) of section
15 340B of the Public Health Service Act (42 U.S.C.
16 256b) is amended by striking “covered entities de-
17 scribed in subparagraph (M)” and inserting “cov-
18 ered entities described in subparagraph (M) (other
19 than a children’s hospital described in subparagraph
20 (M))”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall take effect as if included in
23 the enactment of section 2302 of the Health Care
24 and Education Reconciliation Act of 2010 (Public
25 Law 111–152).

1 (b) TECHNICAL AMENDMENT.—Subparagraph (B) of
2 section 1927(a)(5) of the Social Security Act (42 U.S.C.
3 1396r–8(a)(5)) is amended by striking “and a children’s
4 hospital” and all that follows through the end of the sub-
5 paragraph and inserting a period.

6 **SEC. 6. MEDICAID AND CHIP TECHNICAL CORRECTIONS.**

7 (a) REPEAL OF EXCLUSION OF CERTAIN INDIVID-
8 UALS AND ENTITIES FROM MEDICAID.—Section 6502 of
9 Public Law 111–148 is repealed and the provisions of law
10 amended by such section are restored as if such section
11 had never been enacted. Nothing in the previous sentence
12 shall affect the execution or placement of the insertion
13 made by section 6503 of such Act.

14 (b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER
15 MEDICAID.—Effective as if included in the enactment of
16 Public Law 111–148, section 2001(a)(5)(B) of such Act
17 is amended by striking all that follows “is amended” and
18 inserting the following: “by inserting after ‘100 percent’
19 the following: ‘(or, beginning January 1, 2014, 133 per-
20 cent)’.”.

21 (c) CALCULATION AND PUBLICATION OF PAYMENT
22 ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—
23 Section 601(b) of the Children’s Health Insurance Pro-
24 gram Reauthorization Act of 2009 (Public Law 111–3)
25 is amended by adding at the end the following: “The Sec-

1 retary is not required under this subsection to calculate
2 or publish a national or a State-specific error rate for fis-
3 cal year 2009 or fiscal year 2010.”.

4 (d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION
5 OF CHILDREN OF CERTAIN EMPLOYEES.—Section
6 2110(b)(6) of the Social Security Act (42 U.S.C.
7 1397jj(b)(6)) is amended—

8 (1) in subparagraph (B)—

9 (A) by striking “PER PERSON” in the
10 heading; and

11 (B) by striking “each employee” and in-
12 serting “employees”; and

13 (2) in subparagraph (C), by striking “, on a
14 case-by-case basis,”.

15 (e) ELECTRONIC HEALTH RECORDS.—Effective as if
16 included in the enactment of section 4201(a)(2) of the
17 American Recovery and Reinvestment Act of 2009 (Public
18 Law 111–5), section 1903(t) of the Social Security Act
19 (42 U.S.C. 1396b(t)) is amended—

20 (1) in paragraph (3)(E), by striking “reduced
21 by any payment that is made to such Medicaid pro-
22 vider from any other source (other than under this
23 subsection or by a State or local government)” and
24 inserting “reduced by the average payment the Sec-
25 retary estimates will be made to such Medicaid pro-

1 viders (determined on a percentage or other basis
2 for such classes or types of providers as the Sec-
3 retary may specify) from other sources (other than
4 under this subsection, or by the Federal government
5 or a State or local government)”; and

6 (2) in paragraph (6)(B), by inserting before the
7 period the following: “and shall be determined to
8 have met such responsibility to the extent that the
9 payment to the Medicaid provider is not in excess of
10 85 percent of the net average allowable cost”.

11 (f) CORRECTIONS OF DESIGNATIONS.—

12 (1) Section 1902 of the Social Security Act (42
13 U.S.C. 1396a) is amended—

14 (A) in subsection (a)(10), in the matter
15 following subparagraph (G), by striking “and”
16 before “(XVI) the medical” and by striking
17 “(XVI) if” and inserting “(XVII) if”; and

18 (B) in subsection (ii)(2), by striking
19 “(XV)” and inserting “(XVI)”.

20 (2) Section 2107(e)(1) of the Social Security
21 Act (42 U.S.C. 1397gg(e)(1)) is amended by redес-
22 ignating the subparagraph (N) of that section added
23 by 2101(e) of Public Law 111–148 as subparagraph
24 (O).

1 **SEC. 7. FUNDING FOR CLAIMS REPROCESSING.**

2 For purposes of carrying out the provisions of, and
3 amendments made by, this Act that relate to title XVIII
4 of the Social Security Act, and other provisions relating
5 to such title that involve reprocessing of claims, there are
6 appropriated to the Secretary of Health and Human Serv-
7 ices for the Centers for Medicare & Medicaid Services Pro-
8 gram Management Account, from amounts in the general
9 fund of the Treasury not otherwise appropriated,
10 \$95,000,000. Amounts appropriated under the preceding
11 sentence shall remain available until expended.

12 **SEC. 8. EXTENSION OF SECTION 508 RECLASSIFICATIONS.**

13 (a) IN GENERAL.—Section 106(a) of division B of
14 the Tax Relief and Health Care Act of 2006 (42 U.S.C.
15 1395 note), as amended by section 117 of the Medicare,
16 Medicaid, and SCHIP Extension Act of 2007 (Public Law
17 110–173), section 124 of the Medicare Improvements for
18 Patients and Providers Act of 2008 (Public Law 110–
19 275), and sections 3137(a) and 10317 of Public Law 111–
20 148, is amended by striking “September 30, 2010” and
21 inserting “September 30, 2011”.

22 (b) CONFORMING AMENDMENT.—Section 117(a)(3)
23 of the Medicare, Medicaid, and SCHIP Extension Act of
24 2007 (Public Law 110–173), is amended by inserting “in
25 fiscal years 2008 and 2009” after “For purposes of imple-
26 mentation of this subsection”.

1 **SEC. 9. REVISION TO THE MEDICARE IMPROVEMENT FUND.**

2 Section 1898(b)(1) of the Social Security Act (42
3 U.S.C. 1395iii(b)(1)) is amended by striking subpara-
4 graphs (A) and (B) and inserting the following subpara-
5 graphs:

6 “(A) fiscal year 2015, \$0;

7 “(B) fiscal year 2016, \$125,000,000;

8 and”.

9 **SEC. 10. PAYGO COMPLIANCE.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the House Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

Passed the House of Representatives July 14, 2010.

Attest:

Clerk.

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