

113TH CONGRESS
1ST SESSION

H. R. 2302

To amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Mr. REED (for himself, Mr. THOMPSON of California, Mr. PAULSEN, Mr. BLUMENAUER, Mr. MICHAUD, Mr. CONNOLLY, Mr. YOUNG of Florida, Mr. KING of Iowa, and Mr. GRIJALVA) 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 strengthen and protect Medicare hospice 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.**

4 This Act may be cited as the “Hospice Evaluation
5 and Legitimate Payment Act of 2013”.

1 **SEC. 2. ENSURING TIMELY ACCESS TO HOSPICE CARE.**

2 (a) IN GENERAL.—Section 1814(a)(7)(D)(i) of the
3 Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)) is
4 amended to read as follows:

5 “(i) a hospice physician, nurse practi-
6 tioner, clinical nurse specialist, or physi-
7 cian assistant (as those terms are defined
8 in section 1861(aa)(5)), or other health
9 professional (as designated by the Sec-
10 retary), has a face-to-face encounter with
11 the individual to determine continued eligi-
12 bility of the individual for hospice care
13 prior to the first 60-day period and each
14 subsequent recertification under subpara-
15 graph (A)(ii) (or, in the case where a hos-
16 pice program newly admits an individual
17 who would be entering their first 60-day
18 period or a subsequent hospice benefit pe-
19 riod or where exceptional circumstances, as
20 defined by the Secretary, may prevent a
21 face-to-face encounter prior to the begin-
22 ning of the hospice benefit period, not later
23 than 7 calendar days after the individual’s
24 election under section 1812(d)(1) with re-
25 spect to the hospice program) and attests
26 that such visit took place (in accordance

1 with procedures established by the Sec-
2 retary); and”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) takes effect on January 1, 2014, and ap-
5 plies to hospice care furnished on or after such date.

6 **SEC. 3. RESTORING AND PROTECTING THE MEDICARE HOS-**
7 **PICE BENEFIT.**

8 (a) **IN GENERAL.**—Section 1814(i) of the Social Se-
9 curity Act (42 U.S.C. 1395f(i)) is amended—

10 (1) in paragraph (6)—

11 (A) in subparagraph (D)—

12 (i) in clause (i)—

13 (I) in the first sentence, by strik-
14 ing “not earlier than October 1, 2013,
15 the Secretary shall, by regulation,”
16 and inserting “subject to clause (iii),
17 not earlier than the later of 2 years
18 after the demonstration program
19 under subparagraph (F) is completed
20 or October 1, 2017, the Secretary
21 shall, by regulation, preceded by a no-
22 tice of the proposed regulation in the
23 Federal Register and a period for
24 public comment in accordance with
25 section 1871(b)(1),”; and

1 (II) in the second sentence, by
2 inserting “ and shall take into ac-
3 count the results of the evaluation
4 conducted under subparagraph
5 (F)(ii)” before the period; and

6 (ii) by adding at the end the following
7 new clause:

8 “(iii) The Secretary shall implement the
9 revisions in payment pursuant to clause (i) un-
10 less the Secretary determines that the dem-
11 onstration program under subparagraph (F)
12 demonstrated that such revisions would ad-
13 versely affect access to quality hospice care by
14 beneficiaries under this title.”; and

15 (B) by adding at the end the following new
16 subparagraph:

17 “(F) HOSPICE PAYMENT REFORM DEMONSTRA-
18 TION PROGRAM.—

19 “(i) ESTABLISHMENT OF DEMONSTRATION
20 PROGRAM.—

21 “(I) IN GENERAL.—Before imple-
22 menting any revisions to the methodology
23 for determining the payment rates for rou-
24 tine home care and other services included
25 in hospice care under subparagraph (D),

1 the Secretary shall establish a Medicare
2 Hospice Payment Reform demonstration
3 program (in this subparagraph referred to
4 as the ‘demonstration program’) to test
5 such proposed revisions.

6 “(II) DURATION.—The demonstration
7 program shall be conducted for a 2-year
8 period beginning on or after October 1,
9 2013.

10 “(III) SCOPE.—Any certified hospice
11 program may apply to participate in the
12 demonstration program and the Secretary
13 shall select not more than 15 such hospice
14 programs to participate in the demonstra-
15 tion program.

16 “(IV) REPRESENTATIVE PARTICIPA-
17 TION.—Hospice programs selected under
18 subclause (III) to participate in the dem-
19 onstration program shall include a rep-
20 resentative cross-section of hospice pro-
21 grams throughout the United States, in-
22 cluding programs located in urban and
23 rural areas.

24 “(ii) EVALUATION AND REPORT.—

1 “(I) EVALUATION.—The Secretary
2 shall conduct an evaluation of the dem-
3 onstration program. Such evaluation shall
4 include an analysis of whether the use of
5 the revised payment methodology under
6 the demonstration program has improved
7 the quality of patient care and access to
8 hospice care for beneficiaries under this
9 title and the impact of such payment revi-
10 sions on hospice care providers, including
11 the impact, if any, on the ability of hospice
12 programs to furnish quality care to bene-
13 ficiaries under this title.

14 “(II) REPORT.—Not later than 2
15 years after the completion of the dem-
16 onstration program, the Secretary shall
17 submit to Congress a report containing the
18 results of the evaluation conducted under
19 subclause (I), together with recommenda-
20 tions for such legislation and administra-
21 tive action as the Secretary determines ap-
22 propriate.

23 “(iii) BUDGET NEUTRALITY.—With respect
24 to the 2-year period of the demonstration pro-
25 gram, the Secretary shall ensure that revisions

1 in payment implemented as part of the dem-
2 onstration program shall result in the same es-
3 timated amount of aggregate payments under
4 this title for hospice care for the programs par-
5 ticipating in the demonstration as would have
6 been made if the hospice programs had not par-
7 ticipated in the demonstration program.”.

8 **SEC. 4. HOSPICE SURVEY REQUIREMENT.**

9 Section 1861(dd)(4) of the Social Security Act (42
10 U.S.C. 1395x(dd)(4)) is amended by adding at the end
11 the following new subparagraph:

12 “(C) Any entity that is certified as a hospice program
13 shall be subject to a standard survey by an appropriate
14 State or local survey agency, or an approved accreditation
15 agency, as determined by the Secretary, not less fre-
16 quently than once every 36 months beginning 6 months
17 after the date of the enactment of this subparagraph.”.

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