

113TH CONGRESS  
1ST SESSION

# H. R. 3599

To amend title XVIII of the Social Security Act with respect to payments to long-term care hospitals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. FORTENBERRY (for himself and Mr. HALL) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act with respect to payments to long-term care hospitals, and for other purposes.

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. RELIEF FOR MEDICARE PAYMENTS TO LONG-**  
4 **TERM CARE HOSPITALS.**

5 (a) APPLICATION OF 25 PERCENT RULE PATIENT  
6 THRESHOLD PAYMENT ADJUSTMENT.—

7 (1) EXTENSION OF RELIEF.—In implementing  
8 sections 412.534 and 412.536 of title 42, Code of  
9 Federal Regulations, for a 12-month cost reporting  
10 period beginning on or after October 1, 2013, the

1 Secretary of Health and Human Services shall con-  
2 tinue the same threshold payment adjustment per-  
3 centages and exemptions as were established for the  
4 12-month cost reporting periods beginning on or  
5 after October 1, 2012, in the same manner as was  
6 provided for in the rule published on August 31,  
7 2012 (77 Federal Register 53258).

8 (2) NO APPLICATION OF RULE TO GRAND-  
9 FATHERED LTCHS.—The Secretary of Health and  
10 Human Services shall not apply sections 412.534  
11 and 412.536 of title 42, Code of Federal Regula-  
12 tions, or any similar provisions to a long-term care  
13 hospital described in the second sentence of section  
14 1886(d)(1)(B) of the Social Security Act (42 U.S.C.  
15 1395ww(d)(1)(B)).

16 (3) NEW EXCLUSION FROM CALCULATION OF  
17 THE 25 PERCENT RULE.—Medicare beneficiaries who  
18 were inpatients in a subsection (d) hospital within 1  
19 day prior to their admission to a long-term care hos-  
20 pital described in section 1886(d)(1)(B)(iv)(I) of the  
21 Social Security Act (42 U.S.C.  
22 1395ww(d)(1)(B)(iv)(I)) and who had a stay of  
23 more than 7 days in an intensive care unit identified  
24 in section 413.53(d) of title 42, Code of Federal  
25 Regulations, shall be excluded from the numerator

1 of the 25 percent threshold applied under sections  
2 412.534 and 412.536 of such title.

3 (4) EFFECTIVE DATE.—This subsection shall be  
4 effective on October 1, 2013.

5 (b) CLARIFICATION OF PAYMENTS PAID TO LONG-  
6 TERM CARE HOSPITALS ON AN IPPS BASIS.—

7 (1) SITE NEUTRAL PAYMENTS.—For discharges  
8 occurring on or after October 1, 2014, payments  
9 made to long-term care hospitals described in section  
10 1886(d)(1)(B)(iv)(I) of the Social Security Act (42  
11 U.S.C. 1395ww(d)(1)(B)(iv)(I)) at amounts that are  
12 comparable or equivalent to amounts that are pay-  
13 able to a subsection (d) hospital, for short stay pa-  
14 tients and under the 25 percent rules established  
15 under sections 412.529(d)(4), 412.534, and 412.536  
16 of title 42, Code of Federal Regulations, shall be at  
17 amounts that are not less than would be paid to a  
18 subsection (d) hospital had it performed the same  
19 services.

20 (2) CALCULATION OF LENGTH OF STAY EX-  
21 CLUDING CASES PAID ON AN IPPS BASIS.—For dis-  
22 charges occurring on or after the date of the enact-  
23 ment of this Act, in calculating the length of stay re-  
24 quirement applicable to a long-term care hospital or  
25 satellite facility under section 1886(d)(1)(B)(iv)(I)

1 of the Social Security Act (42 U.S.C.  
2 1395ww(d)(1)(B)(iv)(I)) and section 1861(ccc)(2) of  
3 such Act (42 U.S.C. 1395x(ccc)(2)), the Secretary of  
4 Health and Human Services shall exclude any pa-  
5 tient for whom payment is based on an amount that  
6 is comparable or equivalent to the amount payable  
7 to a subsection (d) hospital had such a hospital pro-  
8 vided the same services.

9 (3) SUBSECTION (D) HOSPITAL DEFINED.—In  
10 this subsection, the term “subsection (d) hospital”  
11 has the meaning given such term in section  
12 1886(d)(1)(B) of the Social Security Act (42 U.S.C.  
13 1395ww(d)(1)(B)).

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