

113TH CONGRESS
2^D SESSION

H. R. 4625

To amend title XVIII of the Social Security Act to suspend the application of the rebasing of Medicare home health prospective payment amounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2014

Mr. HALL 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 suspend the application of the rebasing of Medicare home health prospective payment amounts, 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. SHORT TITLE.**

4 This Act may be cited as the “Medicare Home Health
5 Rebasing Relief and Reassessment Act”.

1 **SEC. 2. RELIEF AND REASSESSMENT OF THE REBASING OF**
2 **MEDICARE HOME HEALTH PROSPECTIVE**
3 **PAYMENT AMOUNTS.**

4 (a) **SUSPENSION OF REBASING.**—Section
5 1895(b)(3)(A)(iii) of the Social Security Act (42 U.S.C.
6 1395fff(b)(3)(A)(iii)) is amended—

7 (1) in subclause (I), in the first sentence, by
8 striking “subclause (II)” and inserting “subclauses
9 (II) and (III)”;

10 (2) in subclause (II), in the first sentence, by
11 striking “The Secretary” and inserting “Subject to
12 subclause (III), the Secretary”; and

13 (3) by adding at the end the following new sub-
14 clause:

15 “(III) **SPECIAL RULE.**—Sub-
16 clauses (I) and (II) shall not apply for
17 the 12-month period beginning on the
18 date of the enactment of this sub-
19 clause. For periods beginning after
20 the period described in the previous
21 sentence, the Secretary shall apply
22 such subclauses as if the previous sen-
23 tence had not been enacted.”.

24 (b) **REVISION OF HOME HEALTH OUTLIER ADJUST-**
25 **MENT.**—Section 1895(b)(5)(A) of the Social Security Act
26 (42 U.S.C. 1395fff(b)(5)(A)) is amended, in the second

1 sentence, by inserting “(or, in the case of each of the years
2 2015 through 2023, 2.25 percent)” after “2.5 percent”.

3 (c) STUDY AND REPORT.—

4 (1) STUDY.—

5 (A) IN GENERAL.—The Secretary of
6 Health and Human Services, in consultation
7 with representatives of Medicare home health
8 agencies and beneficiaries, shall conduct a study
9 on alternative methods for determining the ap-
10 propriate adjustment under section
11 1895(b)(3)(A)(iii) of the Social Security Act
12 (42 U.S.C. 1395(b)(3)(A)(iii)), including meth-
13 ods offered by stakeholders. Such study shall
14 include an analysis of each of the following:

15 (i) The projected impact on Medicare
16 beneficiary access to care during each of
17 2014 through 2017 of applying section
18 1895(b)(3) during each of such years with-
19 out application of subparagraph (A)(iii) of
20 such section, compared to the projected
21 impact on such access during each of such
22 years of applying such section during each
23 of such years with application of such sub-
24 paragraph.

1 (ii) The number and share of home
2 health agencies that are projected to expe-
3 rience negative Medicare margins by 2017,
4 including the location, size, and type of
5 such agencies.

6 (iii) With respect to home health
7 agencies described in clause (ii)—

8 (I) the total number, average
9 age, average income, and average
10 number of activities of daily living of
11 the Medicare beneficiaries such agen-
12 cies serve;

13 (II) the number of staff such
14 agencies employ;

15 (III) the number and location of
16 counties in which such agencies serve
17 as the sole provider of Medicare home
18 health services; and

19 (IV) to the extent practicable, the
20 payer mix of such agencies.

21 (iv) The impact of the adjustment on
22 small home health agencies, as defined by
23 the United States Small Business Adminis-
24 tration small business size standards, con-
25 sistent with the principles of the Regu-

1 latory Flexibility Act, which requires Fed-
2 eral agencies, including the Department of
3 Health and Human Services, to fully con-
4 sider during the rulemaking process the
5 economic impact of regulatory provisions,
6 as well as less burdensome regulatory al-
7 ternatives, to small entities.

8 (v) Any other areas determined appro-
9 priate by the Secretary.

10 (B) REQUIREMENT FOR ALTERNATIVE
11 METHODS AND OTHER CONSIDERATIONS.—For
12 purposes of the analysis under subparagraph
13 (A)—

14 (i) the alternative methods described
15 in such subparagraph shall cover each of
16 the years in which the rebasing adjustment
17 under such section 1895(b)(3)(A)(iii) is to
18 be applied; and

19 (ii) the Secretary shall include a cu-
20 mulative analysis of other Medicare home
21 health reimbursement reductions estab-
22 lished by statute or regulation, consistent
23 with the requirements of Executive Order
24 13563.

1 (2) REPORT.—Not later than 6 months after
2 the date of the enactment of this Act, the Secretary
3 of Health and Human Services shall submit to Con-
4 gress a report on the study conducted under para-
5 graph (1), together with such recommendations as
6 the Secretary determines appropriate based on the
7 findings of such study. Such report shall include—

8 (A) a determination by the Secretary as to
9 whether, as a result of the findings of such
10 study, the Secretary intends to use the author-
11 ity under section 1871 of the Social Security
12 Act (42 U.S.C. 1395hh) to modify the adjust-
13 ment described in paragraph (1)(A) and the ex-
14 tent of any such modification; and

15 (B) in the case the Secretary determines
16 not to use such authority, the rationale for such
17 determination.

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