

114TH CONGRESS  
1ST SESSION

# H. R. 1250

To amend title XVIII of the Social Security Act to provide that payment under the Medicare program to a long-term care hospital for inpatient services shall not be made at the applicable site neutral payment rate for certain discharges involving severe wounds, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. HARPER (for himself and Mr. THOMPSON of Mississippi) 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

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## A BILL

To amend title XVIII of the Social Security Act to provide that payment under the Medicare program to a long-term care hospital for inpatient services shall not be made at the applicable site neutral payment rate for certain discharges involving severe wounds, 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,*

1 **SECTION 1. TEMPORARY EXCEPTION TO SITE NEUTRAL**  
2 **PAYMENT RATE FOR CERTAIN DISCHARGES**  
3 **INVOLVING SEVERE WOUNDS.**

4 (a) IN GENERAL.—Section 1886(m)(6) of the Social  
5 Security Act (42 U.S.C. 1395ww(m)(6)) is amended—

6 (1) in subparagraph (A)(i) by striking “sub-  
7 paragraph (C)” and inserting “subparagraphs (C),  
8 (E), and (F)”; and

9 (2) by adding at the end the following new sub-  
10 paragraphs:

11 “(E) TEMPORARY EXCEPTION FOR CER-  
12 TAIN SEVERE WOUND DISCHARGES FROM SUB-  
13 SECTION (d) HOSPITALS.—

14 “(i) IN GENERAL.—For a discharge  
15 occurring in a cost reporting period begin-  
16 ning prior to October 1, 2017, subpara-  
17 graph (A)(i) shall not apply (and payment  
18 shall be made to a long-term care hospital  
19 without regard to this paragraph) if—

20 “(I) the individual discharged  
21 has a severe wound during the stay in  
22 the long-term care hospital ending  
23 with such discharge;

24 “(II) the individual discharged  
25 meets the severe wound criterion; and

1                   “(III) the stay in the long-term  
2                   care hospital ending with such dis-  
3                   charge was immediately preceded by a  
4                   discharge from a stay in a subsection  
5                   (d) hospital.

6                   “(ii) SEVERE WOUND DEFINED.—In  
7                   this paragraph, the term ‘severe wound’  
8                   means a stage 3 wound, stage 4 wound,  
9                   unstageable wound, non-healing surgical  
10                  wound, infected wound, fistula, osteomy-  
11                  elitis, or wound with morbid obesity, as  
12                  identified in the claim from the long-term  
13                  care hospital.

14                  “(iii) SEVERE WOUND CRITERION.—  
15                  In this subparagraph, the term ‘severe  
16                  wound criterion’ means that the individual  
17                  discharged—

18                         “(I) received an excisional  
19                         debridement or total parenteral nutri-  
20                         tion during the stay in the long-term  
21                         care hospital referred to in clause  
22                         (i)(III); or

23                         “(II) has at least one major sys-  
24                         tem organ failure (lung, liver, kidney,  
25                         or heart) as identified in the claim

1 from the immediately preceding stay  
2 in a subsection (d) hospital referred to  
3 in clause (i)(III).

4 “(F) TEMPORARY EXCEPTION FOR CER-  
5 TAIN SEVERE WOUND DISCHARGES FROM CER-  
6 TAIN LONG-TERM CARE HOSPITALS.—For a dis-  
7 charge occurring in a cost reporting period be-  
8 ginning prior to October 1, 2017, subparagraph  
9 (A)(i) shall not apply (and payment shall be  
10 made to a long-term care hospital without re-  
11 gard to this paragraph) if such discharge—

12 “(i) is from a long-term care hospital  
13 identified by the amendment made by sec-  
14 tion 4417(a) of the Balanced Budget Act  
15 of 1997 (42 U.S.C. 1395ww note, Public  
16 Law 105–33); and

17 “(ii) the individual discharged has a  
18 severe wound (as defined in subparagraph  
19 (E)(ii)).”.

20 (b) STUDY AND REPORT TO CONGRESS.—

21 (1) STUDY.—The Secretary of Health and  
22 Human Services shall, in consultation with relevant  
23 stakeholders, conduct a study on the treatment  
24 needs of individuals entitled to benefits under part  
25 A of such title, or enrolled under part B of such

1 title, requiring specialized wound care, and the cost,  
2 for such individuals and the Medicare program, of  
3 treating severe wounds in rural and urban areas.

4 Such study shall include an assessment of—

5 (A) access of such individuals to appro-  
6 priate levels of care for such cases;

7 (B) the potential impact that section  
8 1886(m)(6)(A)(i) of the Social Security Act (42  
9 U.S.C. 1395ww(m)(6)(A)(i)) will have on the  
10 access, quality, and cost of care for such indi-  
11 viduals; and

12 (C) how to appropriately pay for such care  
13 under the Medicare program under such title.

14 (2) REPORT.—Not later than October 1, 2016,  
15 the Secretary of Health and Human Services shall  
16 submit to Congress a report on the study conducted  
17 under paragraph (1), together with recommenda-  
18 tions for such legislation and administrative action  
19 as the Secretary determines appropriate.

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