

Union Calendar No. 113

114TH CONGRESS
1ST SESSION

H. R. 2580

[Report No. 114-156]

To provide for a technical change to the Medicare long-term care hospital moratorium exception, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2015

Mr. BOUSTANY introduced the following bill; which was referred to the Committee on Ways and Means

JUNE 16, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 29, 2015]

A BILL

To provide for a technical change to the Medicare long-term care hospital moratorium exception, 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 “LTCH Technical Correc-*
5 *tion Act of 2015”.*

6 **SEC. 2. TECHNICAL CHANGE TO THE MEDICARE LONG-**
7 **TERM CARE HOSPITAL MORATORIUM EXCEP-**
8 **TION.**

9 (a) *IN GENERAL.*—Section 114(d) of the Medicare,
10 Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C.
11 1395ww note), as amended by sections 3106(b) and
12 10312(b) of Public Law 111–148, section 1206(b)(2) of the
13 Pathway for SGR Reform Act of 2013 (division B of Public
14 Law 113–67), and section 112 of the Protecting Access to
15 Medicare Act of 2014, is amended, in paragraph (7), by
16 striking “The moratorium under paragraph (1)(A)” and
17 inserting “Any moratorium under paragraph (1)” in the
18 matter preceding subparagraph (A).

19 (b) *EFFECTIVE DATE.*—The amendment made by sub-
20 section (a) shall take effect as if included in the enactment
21 of section 112 of the Protecting Access to Medicare Act of
22 2014.

1 **SEC. 3. MODIFICATION TO MEDICARE LONG-TERM CARE**
2 **HOSPITAL HIGH COST OUTLIER PAYMENTS.**

3 *Section 1886(m) of the Social Security Act (42 U.S.C.*
4 *1395ww(m)) is amended by adding at the end the following*
5 *new paragraph:*

6 “(7) *TREATMENT OF HIGH COST OUTLIER PAY-*
7 *MENTS.—*

8 “(A) *ADJUSTMENT TO THE STANDARD FED-*
9 *ERAL PAYMENT RATE FOR ESTIMATED HIGH*
10 *COST OUTLIER PAYMENTS.—Under the system*
11 *described in paragraph (1), for fiscal years be-*
12 *ginning on or after October 1, 2016, the Sec-*
13 *retary shall reduce the standard Federal pay-*
14 *ment rate as if the estimated aggregate amount*
15 *of high cost outlier payments for standard Fed-*
16 *eral payment rate discharges for each such fiscal*
17 *year would be equal to 8 percent of estimated ag-*
18 *gregate payments for standard Federal payment*
19 *rate discharges for each such fiscal year.*

20 “(B) *LIMITATION ON HIGH COST OUTLIER*
21 *PAYMENT AMOUNTS.—Notwithstanding subpara-*
22 *graph (A), the Secretary shall set the fixed loss*
23 *amount for high cost outlier payments such that*
24 *the estimated aggregate amount of high cost*
25 *outlier payments made for standard Federal*
26 *payment rate discharges for fiscal years begin-*

1 *ning on or after October 1, 2016, shall be equal*
2 *to 99.0625 percent of 8 percent of estimated ag-*
3 *gregate payments for standard Federal payment*
4 *rate discharges for each such fiscal year.*

5 *“(C) WAIVER OF BUDGET NEUTRALITY.—*
6 *Any reduction in payments resulting from the*
7 *application of subparagraph (B) shall not be*
8 *taken into account in applying any budget neu-*
9 *trality provision under such system.*

10 *“(D) NO EFFECT ON SITE NEUTRAL HIGH*
11 *COST OUTLIER PAYMENT RATE.—This paragraph*
12 *shall not apply with respect to the computation*
13 *of the applicable site neutral payment rate under*
14 *paragraph (6), except for the standard Federal*
15 *payment rate portion of blended payment rates*
16 *determined under subparagraph (B)(iii)(II) of*
17 *such paragraph.”.*

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