

Union Calendar No. 25

114TH CONGRESS
1ST SESSION

H. R. 876

[Report No. 114–39, Part I]

To amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2015

Mr. DOGGETT (for himself and Mr. YOUNG of Indiana) 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

MARCH 13, 2015

Additional sponsors: Mr. BLUMENAUER and Mr. RANGEL

MARCH 13, 2015

Reported from the Committee on Ways and Means with an amendment

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

MARCH 13, 2015

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 11, 2015]

A BILL

To amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

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 “Notice of Observation*
5 *Treatment and Implication for Care Eligibility Act” or the*
6 *“NOTICE Act”.*

7 **SEC. 2. MEDICARE REQUIREMENT FOR HOSPITAL NOTIFI-**
8 **CATIONS OF OBSERVATION STATUS.**

9 *Section 1866(a)(1) of the Social Security Act (42*
10 *U.S.C. 1395cc(a)(1)) is amended—*

11 *(1) in subparagraph (V), by striking at the end*
12 *“and”;*

13 *(2) in the first subparagraph (W), by striking at*
14 *the end the period and inserting a comma;*

15 *(3) in the second subparagraph (W)—*

16 *(A) by redesignating such subparagraph as*
17 *subparagraph (X); and*

18 *(B) by striking at the end the period and*
19 *inserting “, and”; and*

20 *(4) by inserting after such subparagraph (X) the*
21 *following new subparagraph:*

22 *“(Y) beginning 12 months after the date of the*
23 *enactment of this subparagraph, in the case of a hos-*
24 *pital or critical access hospital, with respect to each*
25 *individual who receives observation services as an*

1 *outpatient at such hospital or critical access hospital*
2 *for more than 24 hours, to provide to such individual*
3 *not later than 36 hours after the time such individual*
4 *begins receiving such services (or, if sooner, upon re-*
5 *lease)—*

6 *“(i) such oral explanation of the written no-*
7 *tification described in clause (ii), and such docu-*
8 *mentation of the provision of such explanation,*
9 *as the Secretary determines to be appropriate;*

10 *“(ii) a written notification (as specified by*
11 *the Secretary pursuant to rulemaking and con-*
12 *taining such language as the Secretary prescribes*
13 *consistent with this paragraph) which—*

14 *“(I) explains the status of the indi-*
15 *vidual as an outpatient receiving observa-*
16 *tion services and not as an inpatient of the*
17 *hospital or critical access hospital and the*
18 *reasons for such status of such individual;*

19 *“(II) explains the implications of such*
20 *status on services furnished by the hospital*
21 *or critical access hospital (including serv-*
22 *ices furnished on an inpatient basis), such*
23 *as implications for cost-sharing require-*
24 *ments under this title and for subsequent*
25 *eligibility for coverage under this title for*

1 *services furnished by a skilled nursing facil-*
2 *ity;*

3 *“(III) includes such additional infor-*
4 *mation as the Secretary determines appro-*
5 *priate;*

6 *“(IV) either—*

7 *“(aa) is signed by such individual*
8 *or a person acting on such individual’s*
9 *behalf to acknowledge receipt of such*
10 *notification; or*

11 *“(bb) if such individual or person*
12 *refuses to provide the signature de-*
13 *scribed in item (aa), is signed by the*
14 *staff member of the hospital or critical*
15 *access hospital who presented the writ-*
16 *ten notification and includes the name*
17 *and title of such staff member, a cer-*
18 *tification that the notification was pre-*
19 *sented, and the date and time the noti-*
20 *fication was presented; and*

21 *“(V) is written and formatted using*
22 *plain language and is made available in*
23 *appropriate languages as determined by the*
24 *Secretary.”.*

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