

116TH CONGRESS
2D SESSION

S. 3220

To amend title XIX of the Social Security Act to clarify that the provision of home and community-based services is not prohibited in an acute care hospital, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2020

Mr. PORTMAN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to clarify that the provision of home and community-based services is not prohibited in an acute care hospital, 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 “Ensuring Access to
5 Direct Support Professionals Act”.

1 **SEC. 2. PROVIDING HOME AND COMMUNITY-BASED SERV-**
2 **ICES IN ACUTE CARE HOSPITALS.**

3 Section 1902(h) of the Social Security Act (42 U.S.C.
4 1396a(h)) is amended—

5 (1) by inserting “(1)” after “(h)”;

6 (2) by inserting “, home and community-based
7 services provided under subsection (c), (d), or (i) of
8 section 1915 or under a waiver under section 1115,
9 self-directed personal assistance services provided
10 pursuant to a written plan of care under section
11 1915(j), and home and community-based attendant
12 services and supports under section 1915(k)” before
13 the period; and

14 (3) by adding at the end the following:

15 “(2) Nothing in this title, title XVIII, or title XI shall
16 be construed as prohibiting receipt of any care or services
17 specified in paragraph (1) in an acute care hospital that
18 are—

19 “(A) identified in an individual’s person-cen-
20 tered plan of services and supports (or comparable
21 plan of care);

22 “(B) provided to meet needs of the individual
23 that are not met through the provision of hospital
24 services;

1 “(C) not a substitute for services that the hos-
2 pital is obligated to provide through its conditions of
3 participation or under Federal or State law; and

4 “(D) designed to ensure smooth transitions be-
5 tween acute care settings and home and community-
6 based settings, and to preserve the individual’s func-
7 tions.”.

○