

110TH CONGRESS
1ST SESSION

H. R. 1804

To provide for the certification of certain rehabilitation units of general acute care hospitals for purposes of payments under the Medicare prospective payment system for rehabilitation hospitals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

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

A BILL

To provide for the certification of certain rehabilitation units of general acute care hospitals for purposes of payments under the Medicare prospective payment system for rehabilitation 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 “Gulf States Medicare
5 Rehabilitation Unit Access Act of 2007”.

1 **SEC. 2. CERTIFICATION OF CERTAIN REHABILITATION**
2 **UNITS OF GENERAL ACUTE CARE HOSPITALS**
3 **FOR PURPOSES OF MEDICARE PAYMENTS.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-
5 sion of law, in the case of a Katrina-affected hospital de-
6 scribed in subsection (b) that seeks a rehabilitation unit
7 that is to be reopened (as described in subsection (b)(5))
8 to be treated as a rehabilitation unit (as referred to in
9 the matter following clause (v) of section 1886(d)(1)(B)
10 of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)))
11 for purposes of subsections (d) and (j) of section 1886
12 of the such Act (42 U.S.C. 1395ww), such hospital may
13 provide a written certification that the inpatient popu-
14 lation the hospital intends the unit to serve meets the re-
15 quirements of section 412.23(b)(2) of title 42 Code of
16 Federal Regulations, instead of showing that the unit has
17 treated such a population during the hospital’s most re-
18 cent cost reporting period in the same manner as a hos-
19 pital that seeks exclusion of a new rehabilitation unit may
20 provide such a certification under section 412.30(b) of
21 such title.

22 (b) **KATRINA-AFFECTED HOSPITAL DESCRIBED.**—A
23 Katrina-affected hospital described in this subsection is a
24 subsection (d) hospital, as such term is defined in section
25 1886(d)(1)(B) of the Social Security Act (42 U.S.C.

1 1395ww (d)(1)(B)), that meets each of the following re-
2 quirements:

3 (1) HURRICANE KATRINA EMERGENCY AREA.—

4 The county (or equivalent area) in which the hos-
5 pital is located is an area that—

6 (A) has been declared an emergency area
7 in accordance with section 401 of the Robert T.
8 Stafford Disaster Relief and Emergency Assist-
9 ance Act (42 U.S.C. 5170) as a result of Hurri-
10 cane Katrina; and

11 (B) the President has determined, as of
12 September 14, 2005, warrants individual or
13 public assistance from the Federal Government
14 under such Act.

15 (2) NOT FOR PROFIT STATUS.—The hospital is
16 exempt from Federal income taxation in accordance
17 with section 501(c)(3) of the Internal Revenue Code
18 of 1986.

19 (3) PRIOR OPERATION OF REHABILITATION
20 UNIT.—The hospital previously operated a rehabili-
21 tation unit (as referred to in the matter following
22 clause (v) of section 1886(d)(1)(B) of the Social Se-
23 curity Act (42 U.S.C. 1395ww(d)(1)(B))) but later
24 established a rehabilitation hospital (as defined for
25 purposes of section 1886(d)(1)(B)(ii) of such Act

1 (42 U.S.C. 1395ww(d)(1)(B)(ii))), as of November
2 1, 2006, operated such rehabilitation hospital within
3 the same building occupied by the hospital, and
4 upon opening such rehabilitation hospital or after
5 opening such rehabilitation hospital, closed the reha-
6 bilitation unit.

7 (4) SAME CORPORATE ENTITY.—The hospital
8 and the rehabilitation hospital described in subpara-
9 graph (3) are owned by the same not for profit cor-
10 poration.

11 (5) CONVERSION OF REHABILITATION HOS-
12 PITAL TO UNIT.—The hospital seeks to reopen a re-
13 habilitation unit described in paragraph (3) that will
14 operate as part of the hospital and certifies in writ-
15 ing to the Secretary of Health and Human Services
16 that the hospital will close the rehabilitation hospital
17 described in such paragraph not later than one
18 month after the facility re-establishes the rehabilita-
19 tion unit.

20 (c) EFFECTIVE DATE.—The provisions of this section
21 shall apply to reimbursements made for months beginning
22 on or after the date of the enactment of this section.

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