

H. R. 3632

One Hundred Fourth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, one thousand nine hundred and ninety-six*

An Act

To amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF REQUIREMENT FOR ANNUAL RESIDENT
REVIEW FOR MENTALLY ILL AND MENTALLY RETARDED
NURSING FACILITY RESIDENTS.**

(a) IN GENERAL.—Section 1919(e)(7) of the Social Security Act (42 U.S.C. 1396r(e)(7)) is amended—

(1) in subparagraph (B)—

(A) by striking “ANNUAL” in the heading, and

(B) by striking clause (iii); and

(2) in subparagraph (D)(i), by striking “ANNUAL” in the heading.

(b) EFFECTIVE DATE.—The amendments made by subsection

(a) shall take effect on the date of the enactment of this Act.

**SEC. 2. REQUIREMENT FOR REVIEW IN CASE OF SIGNIFICANT CHANGE
IN PHYSICAL OR MENTAL CONDITION OF MENTALLY ILL
OR MENTALLY RETARDED NURSING FACILITY
RESIDENTS.**

(a) REQUIREMENT FOR NOTIFICATION OF STATE AUTHORITY.—Section 1919(b)(3)(E) of the Social Security Act (42 U.S.C. 1396r(b)(3)(E)) is amended by adding at the end the following: “In addition, a nursing facility shall notify the State mental health authority or State mental retardation or developmental disability authority, as applicable, promptly after a significant change in the physical or mental condition of a resident who is mentally ill or mentally retarded.”

(b) REQUIREMENT FOR REVIEW.—Section 1919(e)(7)(B) of such Act (42 U.S.C. 1396r(e)(7)(B)), as amended by section 1(a)(1), is amended by inserting after clause (ii) the following new clause:

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“(iii) REVIEW REQUIRED UPON CHANGE IN RESIDENT’S CONDITION.—A review and determination under clause (i) or (ii) must be conducted promptly after a nursing facility has notified the State mental health authority or State mental retardation or developmental disability authority, as applicable, under subsection (b)(3)(E) with respect to a mentally ill or mentally retarded resident, that there has been a significant change in the resident’s physical or mental condition.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to changes in physical or mental condition occurring on or after the date of the enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*