

Union Calendar No. 446

104TH CONGRESS
2^D SESSION

H. R. 3632

[Report No. 104-817]

A BILL

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.

SEPTEMBER 23, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1996

Mr. EHRLICH introduced the following bill; which was referred to the Committee on Commerce

SEPTEMBER 23, 1996

Additional sponsor: Mr. MINGE

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A BILL

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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. REPEAL OF REQUIREMENT FOR ANNUAL RESI-**
4 **DENT REVIEW FOR MENTALLY ILL AND MEN-**
5 **TALLY RETARDED NURSING FACILITY RESI-**
6 **DENTS.**

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

9 (1) in subparagraph (B)—

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

11 and

12 (B) by striking clause (iii); and

13 (2) in subparagraph (D)(i), by striking “AN-

14 NUAL” in the heading.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on the date of the enact-
17 ment of this Act.

18 **SEC. 2. REQUIREMENT FOR REVIEW IN CASE OF SIGNIFI-**
19 **CANT CHANGE IN PHYSICAL OR MENTAL**
20 **CONDITION OF MENTALLY ILL OR MENTALLY**
21 **RETARDED NURSING FACILITY RESIDENTS.**

22 (a) REQUIREMENT FOR NOTIFICATION OF STATE
23 AUTHORITY.—Section 1919(b)(3)(E) of the Social Secu-
24 rity Act (42 U.S.C. 1396r(b)(3)(E)) is amended by adding
25 at the end the following: “In addition, a nursing facility

1 shall notify the State mental health authority or State
2 mental retardation or developmental disability authority,
3 as applicable, promptly after a significant change in the
4 physical or mental condition of a resident who is mentally
5 ill or mentally retarded.”.

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

10 “(iii) REVIEW REQUIRED UPON
11 CHANGE IN RESIDENT’S CONDITION.—A
12 review and determination under clause (i)
13 or (ii) must be conducted promptly after a
14 nursing facility has notified the State men-
15 tal health authority or State mental retar-
16 dation or developmental disability author-
17 ity, as applicable, under subsection
18 (b)(3)(E) with respect to a mentally ill or
19 mentally retarded resident, that there has
20 been a significant change in the resident’s
21 physical or mental condition.”.

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