

104TH CONGRESS
2D SESSION

H. R. 3678

To extend the Medicare waiver of liability provisions for home health agencies, hospice programs, and skilled nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1996

Mr. JACOBS (for himself, Mr. PORTMAN, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. DEDERMOTT, Mr. English of Pennsylvania, Mr. COYNE, Mr. BUNNING of Kentucky, Mr. ALBERCOMBIE, Mr. STUPAK, Mr. BALDACCI, Ms. NORTON, and Mr. EHLERS) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To extend the Medicare waiver of liability provisions for home health agencies, hospice programs, and skilled nursing facilities.

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. EXTENSION OF WAIVER OF PRESUMPTION OF**
4 **LACK OF KNOWLEDGE OF EXCLUSION FROM**
5 **COVERAGE FOR HOME HEALTH AGENCIES**
6 **AND HOSPICE PROGRAMS.**

7 (a) HOME HEALTH AGENCIES.—

1 (1) Section 9305(g)(3) of Omnibus Budget Rec-
2 conciliation Act of 1986, as amended by section
3 426(d) of the Medicare Catastrophic Coverage Act
4 of 1988 and section 4207(b)(3) of the Omnibus
5 Budget Reconciliation Act of 1990 (as renumbered
6 by section 160(d)(4) of the Social Security Act
7 Amendments of 1994), is amended by striking “De-
8 cember 31, 1995” and inserting “the effective date
9 of a prospective payment system for payment for
10 home health services under title XVIII of the Social
11 Security Act”.

12 (2) The second sentence of section 9205 of the
13 Consolidated Omnibus Budget Reconciliation Act of
14 1985, as amended by section 426(d) of the Medicare
15 Catastrophic Coverage Act of 1988 and section
16 158(b)(1) of the Social Security Act Amendments of
17 1994, is amended by striking “December 31, 1995”
18 and inserting “the effective date of a prospective
19 payment system for payment for home health serv-
20 ices under title XVIII of the Social Security Act”.

21 (b) HOSPICE PROGRAMS.—

22 (1) Section 9305(f)(2) of the Omnibus Budget
23 Reconciliation Act of 1986, as amended by section
24 426(a) of the Medicare Catastrophic Coverage Act of
25 1988 and by section 4008(a)(2) of the Omnibus

1 Budget Reconciliation Act of 1990, is amended by
2 striking “and before December 31, 1995”.

3 (2) Section 1879 of the Social Security Act (42
4 U.S.C. 1395pp) is amended—

5 (A) in subsections (a) and (c), by inserting
6 “or (i)” after “subsection (g)” each place it ap-
7 pears; and

8 (B) by adding at the end the following new
9 subsection:

10 “(i) The coverage denial described in this subsection
11 is, with respect to the provision of hospice care to an indi-
12 vidual, a failure to meet the requirements of section
13 1814(a)(7)(A) in that the individual is not terminally ill
14 (as defined in section 1861(dd)(3)(A)).”

15 (c) SKILLED NURSING FACILITIES.—Section 9126(c)
16 of the Consolidated Omnibus Budget Reconciliation Act
17 of 1985, as amended by section 426(b) of the Medicare
18 Catastrophic Coverage Act of 1988 and section 4008(a)(1)
19 of the Omnibus Budget Reconciliation Act of 1990, is
20 amended by striking “December 31, 1995” and inserting
21 “the effective date of a prospective payment system for
22 payment for extended care services under title XVIII of
23 the Social Security Act”.

24 (d) EFFECTIVE DATE.—

1 (1) The amendments made by this section
2 (other than subsection (b)(2)) shall be effective as of
3 December 31, 1995.

4 (2) The amendments made by subsection (b)(2)
5 shall be effective for hospice care furnished on or
6 after July 1, 1996.

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