

107TH CONGRESS
1ST SESSION

H. R. 913

To amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2001

Mr. ENGEL (for himself and Mr. BRADY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program.

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 “Comprehensive Long-
5 Term Care Act of 2001”.

1 **SEC. 2. EXPANDED LONG-TERM CARE SERVICES UNDER**
2 **MEDICARE PROGRAM FOR DEPENDENT INDI-**
3 **VIDUALS.**

4 (a) IN GENERAL.—

5 (1) PART A.—Section 1812 of the Social Secu-
6 rity Act (42 U.S.C. 1395d) is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (2)(B), by striking
9 “subsection (f),” and inserting “subsection
10 (f) and section 1889,”

11 (ii) by striking “and” at the end of
12 paragraph (3),

13 (iii) by striking the period at the end
14 of paragraph (4) and inserting “; and”,
15 and

16 (iv) by adding at the end the following
17 new paragraph:

18 “(5) long-term care services consisting of ex-
19 tended care services (in accordance with section
20 1889).”; and

21 (B) in subsection (b)(2), by striking “post-
22 hospital” and inserting “except as provided in
23 section 1889, post-hospital”.

24 (2) PART B.—Section 1861(s)(2) of the Social
25 Security Act (42 U.S.C. 1395x(s)(2)), as amended
26 by sections 102(a) and 105(a) of the Medicare, Med-

1 “(b) SERVICES PROVIDED.—In this section, the term
2 ‘long-term care services’ means—

3 “(1) in-home care (as defined in subsection (e));

4 and

5 “(2) extended care services (as defined in sec-
6 tion 1861(h)), but only with respect to a chronically
7 dependent individual.

8 “(c) PAYMENT FOR SERVICES.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 the amount payable for long-term care services
11 under this section shall be determined in accordance
12 with a fee schedule for such services established by
13 the Secretary.

14 “(2) IMPOSITION OF DEDUCTIBLE.—The
15 amount otherwise payable for long-term care services
16 under this section furnished during a calendar year
17 shall be reduced by an amount equal to the deduct-
18 ible imposed for inpatient hospital services for the
19 year under section 1813(a)(1).

20 “(d) DEPENDENT INDIVIDUAL DEFINED.—

21 “(1) IN GENERAL.—In this section, the term
22 ‘dependent individual’ means an individual who—

23 “(A) is unable to perform (without sub-
24 stantial assistance from another individual) be-
25 cause of physical or cognitive impairment at

1 least 2 of the following activities of daily living:
2 bathing, dressing, toileting, transferring, and
3 eating; or

4 “(B) has a similar level of disability due to
5 cognitive impairment that requires substantial
6 direction, instruction, or supervision of another
7 individual in order—

8 “(i) to perform 2 or more of the ac-
9 tivities of daily living described in subpara-
10 graph (A), or

11 “(ii) to remain in the community
12 without causing harm to self or others be-
13 cause of inappropriate behavioral patterns.

14 “(2) CHRONICALLY DEPENDENT INDIVIDUAL.—
15 In this section, the term ‘chronically dependent indi-
16 vidual’ means an individual described in paragraph
17 (1) who—

18 “(A) for purposes of subparagraph (A) of
19 such paragraph, is unable to perform at least 3
20 of the activities of daily living described in such
21 subparagraph; or

22 “(B) for purposes of subparagraph (B)(i)
23 of such paragraph, has a level of disability that
24 requires direction, instruction, or supervision of

1 another individual to perform 3 or more of such
2 activities of daily living.

3 “(3) ACTIVITIES OF DAILY LIVING DEFINED.—

4 The ‘activities of daily living’ referred to in this sub-
5 section are as follows:

6 “(A) Eating.

7 “(B) Bathing.

8 “(C) Dressing.

9 “(D) Toileting.

10 “(E) Transferring in and out of a bed or
11 in and out of a chair.

12 “(e) IN-HOME CARE.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, the term ‘in-home care’ means the items and
15 services described in paragraph (2) furnished to an
16 individual by a home care agency (as defined in sec-
17 tion 1861(ww)) or by others under arrangements
18 with them made by the agency provided in a place
19 of residence used as such individual’s home (other
20 than services described in paragraph (2)(H)).

21 “(2) SERVICES DESCRIBED.—The items and
22 services described in this paragraph are as follows:

23 “(A) Nursing care provided by or under
24 the supervision of a registered professional
25 nurse.

1 “(B) Services of a homemaker/home health
2 aide who has successfully completed a training
3 and competency evaluation program approved
4 by the Secretary.

5 “(C) Personal care services.

6 “(D) Medical social services.

7 “(E) Physical, occupational, or respiratory
8 therapy or speech-language pathology.

9 “(F) Medical supplies (other than drugs
10 and biologicals) and durable medical equipment,
11 while under such a plan.

12 “(G) Patient and caregiver (including fam-
13 ily caregiver) education and training to develop
14 skills necessary to permit the individual to re-
15 main in the home setting.

16 “(H) Community care services furnished
17 outside of the place of residence.

18 “(I) Such other home-based items and
19 services (other than room and board) as the
20 Secretary may approve.

21 “(f) CASE MANAGEMENT REQUIREMENTS.—

22 “(1) REQUESTS FOR ASSESSMENT.—Each indi-
23 vidual entitled to benefits under this title (or an-
24 other person on such individual’s behalf) may re-
25 quest a case management agency to conduct an as-

1 assessment under this section to determine whether
2 the individual is a dependent individual or a chron-
3 ically dependent individual.

4 “(2) DESCRIPTION OF PLANS.—For purposes of
5 this section, a ‘case management plan’ means, with
6 respect to an individual, a written plan of care
7 which—

8 “(A) is established and periodically re-
9 viewed and revised by a case management agen-
10 cy; and

11 “(B) reflects the individual’s needs identi-
12 fied in the assessment under paragraph (1).

13 “(3) CASE MANAGEMENT AGENCY DEFINED.—
14 In this section, the term ‘case management agency’
15 means a nonprofit or public agency or organization
16 (or a nonprofit or public subdivision of such an
17 agency or organization) certified by the Secretary to
18 conduct assessments and establish case management
19 plans under this subsection which—

20 “(A) is experienced in conducting assess-
21 ments, in establishing and periodically reviewing
22 and revising case management plans for nurs-
23 ing facility services and in-home care, and in
24 coordinating and reviewing the quality of the
25 provision of such services and care;

1 “(B) is capable of efficiently and effectively
2 performing directly or through contracts under
3 paragraph (4) such duties; and

4 “(C) does not provide nursing facility serv-
5 ices or in-home care and does not have a direct
6 or indirect ownership or control interest in, or
7 direct or indirect affiliation or relationship with,
8 an entity that provides, such services or care.

9 “(4) CONTRACTING OUT CERTAIN FUNC-
10 TIONS.—The Secretary shall permit a case manage-
11 ment agency, to the extent necessary to carry out
12 functions under this section, to provide for assess-
13 ments and case management plans through con-
14 tracts with nonprofit or public organizations which
15 do not provide nursing facility services or in-home
16 care and do not have a direct or indirect ownership
17 or control interest in, or direct or indirect affiliation
18 or relationship with, an entity that provides, such
19 services or care.”.

20 (c) CONFORMING AMENDMENTS.—(1) Section
21 1833(a)(1) of the Social Security Act (42 U.S.C.
22 1395l(a)(1)), as amended by sections 105(e) and 223(c)
23 of the Medicare, Medicaid, and SCHIP Benefits Improve-
24 ment and Protection Act of 2000, as enacted into law by
25 section 1(a)(6) of Public Law 106–554, is amended—

1 (A) by striking “and” before “(U)”; and

2 (B) by inserting before the semicolon at the end
3 the following: “, and (V) with respect to expenses in-
4 curred for services described in section
5 1861(s)(2)(W), the amounts paid shall be the
6 amounts determined under section 1889(c);”.

7 (2) Section 1861 of the Social Security Act (42
8 U.S.C. 1395x), as amended by sections 102(b) and 105(b)
9 of the Medicare, Medicaid, and SCHIP Benefits Improve-
10 ment and Protection Act of 2000, as enacted into law by
11 section 1(a)(6) of Public Law 106–554, is amended by
12 adding at the end the following new subsection:

13 “HOME CARE AGENCY

14 “(ww) The term ‘home care agency’ means a public
15 agency or private organization, or a subdivision of such
16 an agency or organization, which is a home health agency
17 (as defined in subsection (o)) or—

18 “(1) is primarily engaged in providing services
19 of homemaker/home health aides and personal care
20 aides;

21 “(2) maintains clinical records on all patients;

22 “(3) in the case of an agency or organization in
23 any State in which State or applicable local law pro-
24 vides for the licensing of agencies or organizations of
25 this nature—

26 “(A) is licensed pursuant to such law, or

1 “(B) is approved, by the agency of such
2 State or locality, responsible for licensing agen-
3 cies or organizations of this nature, as meeting
4 the standards established for such licensing;
5 and

6 “(4) meets such other requirements as the Sec-
7 retary may find necessary in the interest of the
8 health and safety of individuals who are furnished
9 services by such agency or organization and for the
10 effective and efficient operation of the program.”.

11 (d) **EFFECTIVE DATE.**—The amendments made by
12 this section shall apply to items and services furnished on
13 or after January 1, 2002.

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