
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 146 Session of
2023

INTRODUCED BY VENKAT, MADDEN, HILL-EVANS, HARKINS, McNEILL,
SAPPEY, PROBST, KHAN, SANCHEZ, SCOTT, STEELE AND D. WILLIAMS,
JUNE 9, 2023

REFERRED TO COMMITTEE ON HEALTH, JUNE 9, 2023

A RESOLUTION

1 Urging the Congress of the United States and the United States
2 Department of Health and Human Services to eliminate the
3 Skilled Nursing Facility Three-Day Rule for Medicare
4 recipients.

5 WHEREAS, Medicare is a Federal health insurance program for
6 individuals 65 years of age or older, individuals younger than
7 65 years of age who have certain disabilities and individuals of
8 all ages who have End-Stage Renal Disease; and

9 WHEREAS, Medicare consists of four parts as follows:

10 (1) Medicare Part A, which provides hospital insurance.

11 (2) Medicare Part B, which provides medical insurance.

12 (3) Medicare Part C, which is known as "Medicare
13 Advantage," and is a type of Medicare health plan offered by
14 a private company that includes benefits from Medicare Parts
15 A and B and usually includes benefits from Medicare Part D.

16 (4) Medicare Part D, which provides prescription drug
17 coverage;

18 and

1 WHEREAS, The Medicare program was signed into law on July 30,
2 1965; and

3 WHEREAS, In the first six months of the Medicare program, 2.5
4 million Americans benefited from Medicare-covered hospital care;
5 and

6 WHEREAS, As of December 2022, there are more than 2.8 million
7 Pennsylvanians enrolled in Medicare; and

8 WHEREAS, An individual who has suffered from a serious
9 illness, such as a stroke, surgery or extensive treatment for a
10 heart or respiratory condition, may need skilled nursing care
11 after the individual has been hospitalized; and

12 WHEREAS, Moreover, the individual may need close monitoring,
13 additional care, physical therapy or occupational therapy, which
14 can be provided in a skilled nursing facility; and

15 WHEREAS, In order to receive skilled nursing extended care
16 services coverage, Medicare patients must meet the Skilled
17 Nursing Three-Day Rule; and

18 WHEREAS, The Skilled Nursing Facility Three-Day Rule requires
19 an individual to be admitted as an inpatient for three
20 consecutive days in order to qualify for admittance to a skilled
21 nursing facility; and

22 WHEREAS, A hospital is able to count the admission day for a
23 patient, but not the discharge day; and

24 WHEREAS, The day a patient is transferred to the skilled
25 nursing facility also does not count toward the three-day rule;
26 and

27 WHEREAS, Medicare does not allow a health care provider or
28 hospital to change orders, which means if an individual stays in
29 the hospital for more than two midnights, those days cannot be
30 converted to inpatient status after the days have occurred; and

1 WHEREAS, If an individual meets the Skilled Nursing Facility
2 Three-Day Rule, Medicare Part A will cover all costs of the
3 skilled nursing facility up to a 20-day stay; and

4 WHEREAS, In order to be eligible, an individual must meet the
5 following requirements:

6 (1) The individual must have a benefit period of 60
7 consecutive days.

8 (2) The individual must be moved into a skilled nursing
9 facility that is certified by Medicare.

10 (3) The individual's doctor must agree that the
11 individual requires daily skilled care in a facility;
12 and

13 WHEREAS, A stay in a skilled nursing facility lasting longer
14 than 21 to 100 days results in an individual having to pay for
15 the services; and

16 WHEREAS, If an individual is not admitted in a hospital as an
17 inpatient for three consecutive days, skilled nursing facility
18 costs are not covered and are billed to the individual; and

19 WHEREAS, Only accountable care organizations under the
20 Medicare Shared Savings Program have the ability to apply or
21 participate in a Skilled Nursing Facility Three-Day Rule Waiver;
22 and

23 WHEREAS, Accountable care organizations under the Medicare
24 Shared Savings Program are a group of hospitals, doctors and
25 other health care providers who work together to give high-
26 quality care to individuals on Medicare; and

27 WHEREAS, The Skilled Nursing Facility Three-Day Rule Waiver
28 sets aside the requirement for the three-day inpatient hospital
29 stay before a Medicare covered, post-hospital, extended care
30 service; and

1 WHEREAS, The Center for Medicare and Medicaid Innovation
2 found that accountable care organizations that participated in
3 the Skilled Nursing Facility Three-Day Rule Waiver did not see
4 an increase in Medicare costs and beneficiaries under the waiver
5 had shorter skilled nursing facility length of stays; therefore
6 be it

7 RESOLVED, That the House of Representatives of the
8 Commonwealth of Pennsylvania urge the Congress of the United
9 States and the United States Department of Health and Human
10 Services to eliminate the Skilled Nursing Facility Three-Day
11 Rule for Medicare recipients; and be it further

12 RESOLVED, That a copy of this resolution be transmitted to
13 the presiding officers of each house of Congress and each member
14 of Congress from Pennsylvania.