

115TH CONGRESS
2D SESSION

H. R. 6932

To amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2018

Mr. ABRAHAM (for himself, Mr. DESJARLAIS, Mr. BUCHANAN, Ms. SEWELL of Alabama, and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 improve home health payment reforms 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. IMPROVEMENTS TO HOME HEALTH PAYMENT**
4 **REFORMS UNDER MEDICARE.**

5 (a) APPLICATION OF BUDGET NEUTRALITY.—Sec-
6 tion 1895(b)(3) of the Social Security Act (42 U.S.C.
7 1395fff(b)(3)), as amended by section 51001(a)(2) of the

1 Bipartisan Budget Act of 2018 (Public Law 115–123),
2 is amended—

3 (1) in subparagraph (A)(iv), in the fourth sen-
4 tence—

5 (A) by striking “shall make” and inserting
6 “shall not make”; and

7 (B) by striking “and shall provide a de-
8 scription” and all that follows through the pe-
9 riod and inserting a period;

10 (2) in subparagraph (D)—

11 (A) in the subparagraph heading, by strik-
12 ing “ASSUMPTIONS” and inserting “OBSERVED
13 EVIDENCE”;

14 (B) in clause (i)—

15 (i) by striking “differences between
16 assumed” and all that follows through
17 “and actual”;

18 (ii) by inserting “attributable to the
19 implementation of paragraphs (2)(B) and
20 (4)(B)” after “behavior changes”; and

21 (iii) by adding at the end the fol-
22 lowing: “The Secretary shall publish the
23 determination under this clause with re-
24 spect to an applicable year, including a de-
25 scription of the observed evidence used to

1 make such determination, in the notice and
2 comment rulemaking to update the pro-
3 spective payment system under this sub-
4 section for such year. For purposes of the
5 preceding sentence, the term ‘observed evi-
6 dence’ means statistically valid data from
7 the most recent cost report and claims re-
8 garding changes in the nature of home
9 health agency patients, patterns of care,
10 service costs, and claims coding after Jan-
11 uary 1, 2020, reflecting behavioral changes
12 relating to implementation of the provi-
13 sions of and amendments made by section
14 51001 of the Bipartisan Budget Act of
15 2018 (Public Law 115–123).”;

16 (C) in clause (ii), by inserting “attrib-
17 utable to the implementation of paragraphs
18 (2)(B) and (4)(B)” after “expenditures”; and

19 (D) in clause (iii)—

20 (i) by adding “attributable to the im-
21 plementation of paragraphs (2)(B) and
22 (4)(B)” after “expenditures”; and

23 (ii) by adding at the end the fol-
24 lowing: “If such a temporary increase or
25 decrease does not exceed 2.00 percent in

1 any given year, the Secretary shall apply
2 the entire increase or decrease in the next
3 calendar year payment update; however, if
4 such a temporary increase or decrease ex-
5 ceeds 2.00, to provide for minimal disrup-
6 tion to patients and providers, the Sec-
7 retary shall phase in the temporary in-
8 crease or decrease in equal amounts not to
9 exceed 2.00 percent in any given year
10 through the respective calendar year pay-
11 ment updates.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect as if included in the enact-
14 ment of such section 51001(a)(2).

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