

111TH CONGRESS
1ST SESSION

S. 1111

To require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. REID (for Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

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 “Special Disability
5 Workload Liability Resolution Act of 2009”.

1 **SEC. 2. PAYMENT OF MEDICARE LIABILITY TO STATES AS A**
2 **RESULT OF THE SPECIAL DISABILITY WORK-**
3 **LOAD PROJECT.**

4 (a) IN GENERAL.—The Secretary, in consultation
5 with the Commissioner, shall work with each State to
6 reach an agreement, not later than 6 months after the
7 date of enactment of this Act, on the amount of a payment
8 for the State related to the Medicare program liability as
9 a result of the Special Disability Workload project, subject
10 to the requirements of subsection (c).

11 (b) PAYMENTS.—

12 (1) DEADLINE FOR MAKING PAYMENTS.—Not
13 later than 30 days after reaching an agreement with
14 a State under subsection (a), the Secretary shall pay
15 the State, from the amounts appropriated under
16 paragraph (2), the payment agreed to for the State.

17 (2) APPROPRIATION.—Out of any money in the
18 Treasury not otherwise appropriated, there is appro-
19 priated \$4,000,000,000 for fiscal year 2010 for
20 making payments to States under paragraph (1).

21 (3) LIMITATIONS.—In no case may the aggre-
22 gate amount of payments made by the Secretary to
23 States under paragraph (1) exceed \$4,000,000,000.

24 (c) REQUIREMENTS.—The requirements of this sub-
25 section are the following:

1 (1) FEDERAL DATA USED TO DETERMINE
2 AMOUNT OF PAYMENTS.—The amount of the pay-
3 ment under subsection (a) for each State is deter-
4 mined on the basis of the most recent Federal data
5 available, including the use of proxies and reasonable
6 estimates as necessary, for determining expeditiously
7 the amount of the payment that shall be made to
8 each State that enters into an agreement under this
9 section. The payment methodology shall consider the
10 following factors:

11 (A) The number of SDW cases found to
12 have been eligible for benefits under the Medi-
13 care program and the month of the initial
14 Medicare program eligibility for such cases.

15 (B) The applicable non-Federal share of
16 expenditures made by a State under the Med-
17 icaid program during the time period for SDW
18 cases.

19 (C) Such other factors as the Secretary
20 and the Commissioner, in consultation with the
21 States, determine appropriate.

22 (2) CONDITIONS FOR PAYMENTS.—A State
23 shall not receive a payment under this section unless
24 the State—

1 (A) waives the right to file a civil action
2 (or to be a party to any action) in any Federal
3 or State court in which the relief sought in-
4 cludes a payment from the United States to the
5 State related to the Medicare liability under
6 title XVIII of the Social Security Act (42
7 U.S.C. 1395 et seq.) as a result of the Special
8 Disability Workload project; and

9 (B) releases the United States from any
10 further claims for reimbursement of State ex-
11 penditures as a result of the Special Disability
12 Workload project (other than reimbursements
13 being made under agreements in effect on the
14 date of enactment of this Act as a result of
15 such project, including payments made pursu-
16 ant to agreements entered into under section
17 1616 of the Social Security Act or section
18 211(1)(1)(A) of Public Law 93–66).

19 (3) NO INDIVIDUAL STATE CLAIMS DATA RE-
20 QUIRED.—No State shall be required to submit indi-
21 vidual claims evidencing payment under the Med-
22 icaid program as a condition for receiving a payment
23 under this section.

24 (4) INELIGIBLE STATES.—No State that is a
25 party to a civil action in any Federal or State court

1 in which the relief sought includes a payment from
2 the United States to the State related to the Medi-
3 care liability under title XVIII of the Social Security
4 Act (42 U.S.C. 1395 et seq.) as a result of the Spe-
5 cial Disability Workload project shall be eligible to
6 receive a payment under this section while such an
7 action is pending or if such an action is resolved in
8 favor of the State.

9 (d) DEFINITIONS.—In this section:

10 (1) COMMISSIONER.—The term “Commis-
11 sioner” means the Commissioner of Social Security.

12 (2) MEDICAID PROGRAM.—The term “Medicaid
13 program” means the program of medical assistance
14 established under title XIX of the Social Security
15 Act (42 U.S.C. 1396a et seq.) and includes medical
16 assistance provided under any waiver of that pro-
17 gram approved under section 1115 or 1915 of such
18 Act (42 U.S.C. 1315, 1396n) or otherwise.

19 (3) MEDICARE PROGRAM.—The term “Medicare
20 program” means the program established under title
21 XVIII of the Social Security Act (42 U.S.C. 1395 et
22 seq.).

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Health and Human Services.

1 (5) SDW CASE.—The term “SDW case” means
2 a case in the Special Disability Workload project in-
3 volving an individual determined by the Commis-
4 sioner to have been eligible for benefits under title
5 II of the Social Security Act (42 U.S.C. 401 et seq.)
6 for a period during which such benefits were not
7 provided to the individual and who was, during all
8 or part of such period, enrolled in a State Medicaid
9 program.

10 (6) SPECIAL DISABILITY WORKLOAD
11 PROJECT.—The term “Special Disability Workload
12 project” means the project described in the 2008
13 Annual Report of the Board of Trustees of the Fed-
14 eral Old-Age and Survivors Insurance and Federal
15 Disability Insurance Trust Funds, H.R. Doc. No.
16 110–104, 110th Cong. (2008).

17 (7) STATE.—The term “State” means each of
18 the 50 States and the District of Columbia.

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