

105TH CONGRESS  
2D SESSION

# H. R. 4748

To amend title XVIII of the Social Security Act to require 6-months' advance notice to enrollees of Medicare managed care plans of termination of hospital participation under such plans.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 1998

Mr. QUINN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on 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

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## A BILL

To amend title XVIII of the Social Security Act to require 6-months' advance notice to enrollees of Medicare managed care plans of termination of hospital participation under such plans.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Seniors’ Right to Health Care Notification Act of 1998”.

6 (b) FINDINGS.—Congress finds the following:

1           (1) A lack of health care options for seniors  
2 forces them to give up their family physician and  
3 preferred hospital.

4           (2) Pressure nationwide in the Medicare market  
5 is creating hardships for senior citizens.

6           (3) The Institute of Medicine of the National  
7 Academy of Sciences published a report on the value  
8 of primary care for patients and communities in  
9 which a researcher documented that the forced  
10 break-up of the relationship between a doctor and a  
11 patient results in a decrease in quality and patient  
12 satisfaction with care.

13          (4) The short notification period in cases of pol-  
14 icy changes and terminations causes confusion and  
15 strikes fear in senior citizens.

16          (5) An extended notification period would allow  
17 seniors to explore their health care options.

18 **SEC. 2. ADVANCE NOTICE OF TERMINATION OF HOSPITAL**  
19 **PARTICIPATION UNDER MEDICARE MAN-**  
20 **AGED CARE PLANS.**

21          (a) IN GENERAL.—Section 1852(c) of the Social Se-  
22 curity Act (42 U.S.C. 1395w–22(c)) is amended by adding  
23 at the end the following new paragraph:

24               “(3) NOTICE OF TERMINATION OF HOSPITAL  
25 PARTICIPATION.—

1           “(A) IN GENERAL.—If a participation  
2           agreement between a Medicare+Choice organi-  
3           zation and a hospital covering the provision of  
4           inpatient or outpatient hospital services to en-  
5           rollees with the organization under this part is  
6           terminated, the organization shall provide all  
7           enrollees who are patients of doctors at the hos-  
8           pital or who have been seen on a regular basis  
9           at the hospital with notice of such termination  
10          at least 180 days before the effective date of  
11          such termination. Such notice may include in-  
12          formation on alternative participating hospitals  
13          from which such an enrollee may secure inpa-  
14          tient and outpatient hospital services in such  
15          area.

16          “(B) EXCEPTION AUTHORITY.—The Sec-  
17          retary may waive the requirement of subpara-  
18          graph (A) (or shorten the period for advanced  
19          notice under such subparagraph) in the case of  
20          circumstances beyond the control of the  
21          Medicare+Choice organization and in such  
22          other cases as the Secretary deems appro-  
23          priate.”.

24          (b) APPLICATION TO ELIGIBLE ORGANIZATIONS.—

25          Section 1876(k)(4) of such Act (42 U.S.C.

1 1395mm(k)(4)) is amended by adding at the end the fol-  
2 lowing new subparagraph:

3 “(E) Advance notice of termination of hospital  
4 participation under section 1852(c)(3).”.

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Subject to paragraph (2),  
7 the amendments made by this section apply to ter-  
8 minations of participation occurring on or after the  
9 date of the enactment of this Act.

10 (2) TRANSITION.—In no case shall notice of a  
11 termination of participation be required under such  
12 amendments earlier than 30 days after the date of  
13 the enactment of this Act.

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