

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.

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

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 subparagraph
18 (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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