

106TH CONGRESS
1ST SESSION

H. R. 1736

To amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare Program, and to provide for a system to vary those limitations using a classification of individuals based on diagnostic category and prior use of services.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1999

Mr. STARK introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare Program, and to provide for a system to vary those limitations using a classification of individuals based on diagnostic category and prior use of services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Rehabilita-
3 tion Benefit Equity Act of 1999”.

4 **SEC. 2. ESTABLISHMENT OF EXEMPTION TO CAP ON PHYS-**
5 **ICAL, SPEECH-LANGUAGE PATHOLOGY, AND**
6 **OCCUPATIONAL THERAPY SERVICES.**

7 (a) IN GENERAL.—Section 1833(g) of the Social Se-
8 curity Act (42 U.S.C. 1395l(g)) is amended by adding at
9 the end the following:

10 “(4)(A) For services furnished on or after the date
11 of the enactment of this paragraph and before January
12 1, 2002, the limitations in this subsection shall not apply
13 to an individual described in subparagraph (B).

14 “(B) An individual described in this subparagraph is
15 an individual that meets any of the following criteria:

16 “(i) The individual has received services de-
17 scribed in paragraph (1) or (3) in a calendar year
18 and is subsequently diagnosed with an illness, in-
19 jury, or disability that requires the provision in such
20 year of additional such services that are medically
21 necessary.

22 “(ii) The individual has a diagnosis that re-
23 quires the provision of services described in para-
24 graph (1) or (3) and an additional diagnosis or inci-
25 dent that exacerbates the individual’s condition,

1 thereby requiring the provision of additional such
2 services.

3 “(iii) The individual will require hospitalization
4 if the individual does not receive the services de-
5 scribed in paragraph (1) or (3).

6 “(iv) The individual meets other criteria that
7 the Secretary determines are appropriate.

8 “(C) Nothing in this paragraph shall be construed as
9 affecting any requirement for, or limitation on, payment
10 under this title (other than the financial limitation under
11 this subsection).

12 “(D) Any service that is covered under this title by
13 reason of this paragraph shall be subject to the same rea-
14 sonable and necessary requirement under section
15 1862(a)(1) that is applicable to the services described in
16 paragraph (1) or (3) that are covered under this title with-
17 out regard to this paragraph.”.

18 (b) CONFORMING AMENDMENTS.—Paragraphs (1)
19 and (3) of section 1833(g) of such Act (42 U.S.C.
20 1395l(g)) are each amended by striking “In the case” and
21 inserting “Subject to paragraph (4), in the case”.

1 **SEC. 3. ESTABLISHMENT OF VARIABLE DURATIONAL LIM-**
2 **TATION BASED ON DIAGNOSTIC CATEGORIES**
3 **AND PRIOR USE OF SERVICES.**

4 (a) IN GENERAL.—Subparagraph (B) of section
5 1833(g)(2) of the Social Security Act (42 U.S.C.
6 1395l(g)(2)) is amended to read as follows:

7 “(B) for a subsequent year is an amount speci-
8 fied by the Secretary pursuant to a system which es-
9 tablishes different limitations (but not different pay-
10 ment rates or fee schedules) based on a classification
11 of individuals by diagnostic category and severity of
12 diagnosis, in both inpatient and outpatient set-
13 tings.”.

14 (b) BUDGET-NEUTRAL IMPLEMENTATION.—The
15 Secretary of Health and Human Services shall establish
16 the different limitations under section 1833(g)(2)(B) of
17 the Social Security Act, as amended by subsection (a), in
18 a manner so that the aggregate expenditures under such
19 limitations under part B of title XVIII of such Act is the
20 same as the aggregate expenditures that would have been
21 made under such part if this section has not been enacted.

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