

106TH CONGRESS  
1ST SESSION

# H. R. 2618

To amend title XVIII of the Social Security Act and title IV of the Balanced Budget Act of 1997 to eliminate the 15 percent reduction in payment amounts to home health agencies furnishing home health services under the medicare program, and to provide for a 36-month grace period for home health agencies to repay overpayments made by the Secretary of Health and Human Services.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1999

Mr. ACKERMAN (for herself, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. BAKER, Mr. COBURN, Mr. COOK, Mr. CROWLEY, Mr. FORBES, Mr. FROST, Mr. GILCHREST, Mr. GOODE, Mr. HALL of Texas, Mr. HILLIARD, Mr. HINCHEY, Ms. KAPTUR, Mrs. KELLY, Mr. KING, Ms. LEE, Mrs. MALONEY of New York, Mr. MASCARA, Mr. MCHUGH, Mr. McNULTY, Ms. MILLENDER-MACDONALD, Mr. NADLER, Mr. NEY, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Mr. WALSH, Mr. WEINER, and Mr. WHITFIELD) 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 and title IV of the Balanced Budget Act of 1997 to eliminate the 15 percent reduction in payment amounts to home health agencies furnishing home health services under the medicare program, and to provide for a 36-month grace period for home health agencies to repay overpay-

ments made by the Secretary of Health and Human Services.

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 “Medicare Home Health  
 5       Improvement Act of 1999”.

6       **SEC. 2. ELIMINATION OF AUTOMATIC 15 PERCENT REDUC-**  
 7       **TION IN PAYMENT LIMITS.**

8       (a) PROSPECTIVE PAYMENT SYSTEM.—

9               (1) IN GENERAL.—Section 1895(b)(3) of the  
 10       Social Security Act (42 U.S.C. 1395fff(b)(3)) is  
 11       amended—

12               (A) in subparagraph (A)(i), by striking  
 13       “but if the reduction in limits described in  
 14       clause (ii) had been in effect”;

15               (B) by striking clause (ii); and

16               (C) in subparagraph (A)(i), by striking (i)  
 17       IN GENERAL.—” and adjusting the margin ac-  
 18       cordingly.

19               (2) CONFORMING AMENDMENT.—Section  
 20       1895(d)(3) of such Act (42 U.S.C. 1395fff(d)(3)) is  
 21       amended by striking “(including the reduction de-  
 22       scribed in clause (ii) of such subsection)”.

23       (b) INTERIM PAYMENT SYSTEM.—Section 4603 of  
 24       the Balanced Budget Act of 1997 (Public Law 105–33),

1 as amended by section 5101(c)(3) of the Tax and Trade  
 2 Relief Extension Act of 1998 (Public Law 105–277), is  
 3 amended by striking subsection (e).

4 **SEC. 3. OVERPAYMENTS.**

5 (a) 36-MONTH REPAYMENT PERIOD.—In the case of  
 6 an overpayment by the Secretary of Health and Human  
 7 Services to a home health agency for home health services  
 8 furnished during a cost reporting period beginning on or  
 9 after October 1, 1997, as a result of payment limitations  
 10 provided for under clause (v), (vi), or (viii) of section  
 11 1861(v)(1)(L) of the Social Security Act (42 U.S.C.  
 12 1395x(v)(1)(L)), the home health agency may elect to  
 13 repay the amount of such overpayment over a 36-month  
 14 period beginning on the date of notification of such over-  
 15 payment.

16 (b) INTEREST ON OVERPAYMENT AMOUNTS.—

17 (1) 36-MONTH GRACE PERIOD.—

18 (A) IN GENERAL.—In the case of an agen-  
 19 cy that makes an election under subsection (a),  
 20 no interest shall accrue on the outstanding bal-  
 21 ance of the amount of overpayment during such  
 22 36-month period.

23 (B) OVERDUE BALANCES.—In the case of  
 24 such an agency, interest shall accrue on any  
 25 outstanding balance of the amount of overpay-

1           ment after termination of such 36-month pe-  
2           riod. Interest shall accrue under this subpara-  
3           graph at the rate of interest charged by banks  
4           for loans to their most favored commercial cus-  
5           tomers, as published in the Wall Street Journal  
6           on the Friday immediately following the date of  
7           the enactment of this Act.

8           (2) OTHER AGENCIES.—In the case of an agen-  
9           cy described in subsection (a) that does not make an  
10          election under subsection (a), interest shall accrue  
11          on the outstanding balance of the amount of over-  
12          payment at the rate described in the second sentence  
13          of paragraph (1)(B).

14          (c) TERMINATION.—No election under subsection (a)  
15          may be made for cost reporting periods, or portions of cost  
16          reporting periods, beginning on or after the date of the  
17          implementation of the prospective payment system for  
18          home health services under section 1895 of the Social Se-  
19          curity Act (42 U.S.C. 1395fff).

20          (d) EFFECTIVE DATE.—The provisions of subsection  
21          (a) shall take effect as if included in the enactment of the  
22          Balanced Budget Act of 1997.

○