

106TH CONGRESS  
2D SESSION

# H. R. 4028

To amend title XVIII of the Social Security Act to expand the definition of homebound for purposes of receiving home health services under the medicare program to allow medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2000

Mr. SMITH of New Jersey (for himself and Mr. MARKEY) 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 expand the definition of homebound for purposes of receiving home health services under the medicare program to allow medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions.

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 “Alzheimer’s Disease  
3 Medicare Home Health Care Benefit Clarification Act of  
4 2000”.

5 **SEC. 2. FINDINGS.**

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

7           (1) Home health services are a vital component  
8       of the benefits that are furnished to beneficiaries  
9       under the medicare program under title XVIII of the  
10      Social Security Act.

11          (2) Home health services under the medicare  
12      program enable homebound individuals who are at  
13      great risk for costly institutionalized care to stay in  
14      their own homes and communities.

15          (3) Existing medicare regulations and practices  
16      inadvertently penalize medicare beneficiaries (includ-  
17      ing those with Alzheimer’s disease, a related demen-  
18      tia, or both) who participate in an adult day care  
19      program. Under those regulations, if a medicare  
20      beneficiary attends a privately funded adult day care  
21      program as part of their Alzheimer’s treatment re-  
22      gime, including an Alzheimer’s treatment regime,  
23      they may lose eligibility for the medicare home  
24      health benefit because the absences of the individual  
25      from home are not infrequent and short duration.

1           (4) Adult day care programs can be a valuable  
2           and medically beneficial part of a treatment regime  
3           for a person with Alzheimer’s disease or a related  
4           dementia. These programs can provide structured  
5           activities and health monitoring to maintain func-  
6           tion, manage behavioral symptoms, and prevent  
7           health care crises and premature institutionalization.

8           (5) The Health Care Financing Administration  
9           and its various medicare contractors and fiscal inter-  
10          mediaries have misinterpreted the intent of Congress  
11          with respect to eligibility for home health services.  
12          Participation by medicare beneficiaries in privately  
13          funded adult day care programs is not intended to  
14          preclude eligibility for home health services for those  
15          medicare beneficiaries under the medicare program.

16 **SEC. 3. CLARIFICATION OF THE DEFINITION OF HOME-**  
17 **BOUND.**

18          (a) IN GENERAL.—The last sentence of sections  
19 1814(a) and 1835(a) of the Social Security Act (42 U.S.C.  
20 1395f(a); 1395n(a)) are each amended by striking the pe-  
21 riod and inserting “including participating in an adult day  
22 care program licensed by a State to furnish adult day care  
23 services in the State, for the purpose of therapeutic treat-  
24 ment for Alzheimer’s disease or a related dementia, or for

1 medical treatment furnished in an adult day care pro-  
2 gram.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall apply to items and services provided  
5 on or after the date of enactment of this Act.

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