

107TH CONGRESS  
2D SESSION

# S. 2848

To amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Ms. COLLINS (for herself, Mr. CLELAND, Mr. HUTCHINSON, Mr. KERRY, Ms. SNOWE, and Mr. MILLER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

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 “David Jayne Medicare  
5       Homebound Modernization Act of 2002”.

1 **SEC. 2. CLARIFICATION OF THE DEFINITION OF HOME-**  
2 **BOUND FOR PURPOSES OF DETERMINING**  
3 **ELIGIBILITY FOR HOME HEALTH SERVICES**  
4 **UNDER THE MEDICARE PROGRAM.**

5 (a) CLARIFICATION.—Sections 1814(a) and 1835(a)  
6 of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a))  
7 are each amended by adding at the end the following:  
8 “Notwithstanding the preceding sentences, in the case of  
9 an individual who has been certified by a physician as an  
10 individual who has a permanent and severe condition that  
11 will not improve and requires the individual to receive as-  
12 sistance from another individual with at least 3 out of the  
13 5 activities of daily living for the rest of the individual’s  
14 life, who requires 1 or more home health services described  
15 in section 1861(m) to achieve a functional condition that  
16 gives the individual the ability to leave home, who requires  
17 technological assistance or the assistance of another per-  
18 son to leave the home, and who has received home health  
19 services described in section 1861(m)(1) during the pre-  
20 vious 12-month period, the Secretary may not disqualify  
21 such individual from being considered to be ‘confined to  
22 his home’ based on the purpose, frequency, or duration  
23 of the absences from the home. For purposes of the pre-  
24 ceding sentence, the term ‘activities of daily living’ means  
25 eating, toileting, transferring, bathing, and dressing.”.

1       (b) TECHNICAL AMENDMENTS.—(1) Sections  
2 1814(a) and 1835(a) of the Social Security Act (42 U.S.C.  
3 1395f(a); 1395n(a)) are each amended in the sixth sen-  
4 tence by striking “leave home,” and inserting “leave home  
5 and”.

6       (2) Section 1814(a) of the Social Security Act (42  
7 U.S.C. 1395f(a)), as amended by subsection (a), is amend-  
8 ed by moving the seventh sentence, as added by section  
9 322(a)(1) of the Medicare, Medicaid, and SCHIP Benefits  
10 Improvement and Protection Act of 2000 (appendix F,  
11 114 Stat. 2763A–501), as enacted into law by section  
12 1(a)(6) of Public Law 106–554, to the end of that section.

13       (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to items and services furnished on  
15 or after the date of enactment of this Act.

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