

108TH CONGRESS
1ST SESSION

H. R. 3363

To amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2003

Mr. McCRERY (for himself and Mr. ALLEN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

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 “Medicaid Psychiatric
5 Hospital Fairness Act of 2003”.

1 **SEC. 2. MEDICAID REIMBURSEMENT FOR CARE OR SERV-**
2 **ICES REQUIRED UNDER EMTALA THAT ARE**
3 **PROVIDED IN A NONPUBLICLY OWNED OR**
4 **OPERATED INSTITUTION FOR MENTAL DIS-**
5 **EASES.**

6 (a) IN GENERAL.—Section 1905 of the Social Secu-
7 rity Act (42 U.S.C. 1396d) is amended—

8 (1) in subsection (a), in the subdivision (B) fol-
9 lowing paragraph (27), by inserting “subject to sub-
10 section (x),” after “(B)”; and

11 (2) by adding at the end the following:

12 “(x)(1) In the case of an institution for mental dis-
13 eases that is not publicly owned or operated and that is
14 subject to the requirements of section 1867, the limitation
15 of subdivision (B) following paragraph (27) in subsection
16 (a) (relating to limitations on payments for care or serv-
17 ices for individuals under 65 years of age who are patients
18 in an institution for mental diseases) shall not apply to
19 the provision of care or services required to stabilize an
20 emergency medical condition, the treatment for which is
21 within the range of services that such institution typically
22 provides, of an individual who has attained age 21 but
23 who has not attained age 65 and who came or was trans-
24 ferred to the institution, if—

25 “(A) the institution determines that the indi-
26 vidual has such an emergency medical condition; and

1 “(B) the institution provides such care or serv-
2 ices.

3 “(2) In this subsection—

4 “(A) the term ‘stabilize’ has the meaning given
5 that term in section 1867(e)(3)(A); and

6 “(B) the term ‘emergency medical condition’
7 has the meaning given that term in section
8 1867(e)(1).”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) apply to care and services furnished on or
11 after the date of enactment of this Act.

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