

110TH CONGRESS
2D SESSION

H. R. 5542

To amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2008

Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, Mr. COLE of Oklahoma, Ms. FALLIN, Mr. PICKERING, Mr. MARCHANT, Mr. THOMPSON of Mississippi, Mr. BONNER, Mr. SESSIONS, Mr. TAYLOR, and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and 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 to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare Program, and for other purposes.

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 “Preserving Access to
5 Hospice (PATH) Act of 2008”.

1 **SEC. 2. TEMPORARY MORATORIUM OF ENFORCEMENT OF**
2 **HOSPICE CAP AMOUNT.**

3 Section 1814(i)(2) of the Social Security Act (42
4 U.S.C. 1395f(i)(2)) is amended—

5 (1) in subparagraph (A), by striking “The
6 amount” and inserting “Subject to subparagraph
7 (E), the amount”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(E) During the period beginning on No-
11 vember 1, 2005 and ending on October 31,
12 2008, the payment limitation under subpara-
13 graph (A) shall not apply with respect to hos-
14 pice care provided by (or under arrangements
15 made by) a hospice program during such pe-
16 riod. In the case where a hospice program has
17 made any payments to the program under this
18 part as of the date of enactment of this sub-
19 paragraph that were not required to be made as
20 a result of the preceding sentence, the Sec-
21 retary shall not be required to reimburse the
22 hospice program for the amount of such pay-
23 ments.”.

24 **SEC. 3. MEDPAC STUDY AND REPORT ON HOSPICE CARE.**

25 (a) STUDY.—The Medicare Payment Advisory Com-
26 mission shall conduct a study on—

1 (1) the resource effectiveness and quality of
2 hospice care as a substitute benefit for other acute
3 care alternatives under the Medicare program under
4 title XVIII of the Social Security Act;

5 (2) the optimal median and average length of
6 stay in hospice care under the Medicare program;

7 (3) the reasons for persistently low median and
8 average length of stay in hospice care under the
9 Medicare program, and regional variations in timely
10 access to hospice care under such program; and

11 (4) the desirability of requiring a national cov-
12 erage determination (as defined in section
13 1869(f)(1)(B) of the Social Security Act (42 U.S.C.
14 1395ff(f)(1)(B)) in determining eligibility for hos-
15 pice care under the Medicare program.

16 (b) REPORT.—Not later than 12 months after the
17 date of enactment of this Act, the Commission shall sub-
18 mit a report on the study conducted under subsection (a),
19 together with recommendations for such legislation or ad-
20 ministrative action as the Commission determines appro-
21 priate.

22 (c) HOSPICE CARE DEFINED.—In this section, the
23 term “hospice care” has the meaning given such term in

- 1 section 1861(dd) of the Social Security Act (42 U.S.C.
- 2 1395x(dd)).

