

110TH CONGRESS  
2D SESSION

# S. 3265

To amend title XVIII of the Social Security Act to provide for payment of home health services on a reasonable cost basis.

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IN THE SENATE OF THE UNITED STATES

JULY 15, 2008

Mr. JOHNSON 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 payment of home health services on a reasonable cost basis.

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 “Ensuring Home  
5       Health Care for Seniors Act of 2008”.

6       **SEC. 2. PAYMENT FOR HOME HEALTH SERVICES ON A REA-**  
7       **SONABLE COST BASIS.**

8       (a) IN GENERAL.—

9               (1) PAYMENTS UNDER PART A.—Section  
10       1814(b) of the Social Security Act (42 U.S.C.

1395f(b)) is amended in the matter preceding paragraph (1) by striking “, 1886, and 1895” and inserting “and 1886”.

(2) PAYMENTS UNDER PART B.—Section 1833(a)(2)(A) of the Social Security Act (42 U.S.C. 1395l(a)(2)(A)) is amended to read as follows:

“(A) with respect to home health services (other than a covered osteoporosis drug (as defined in section 1861(kk)), the lesser of—

“(i) the reasonable cost of such services, as determined under section 1861(v),  
or

“(ii) the customary charges with respect to such services,

or, if such services are furnished by a public provider of services, or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision), free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2);.”.

(3) CONFORMING AMENDMENTS.—

1 (A) Title XVIII of the Social Security Act  
2 (42 U.S.C. 1395 et seq.) is amended by striking  
3 section 1895.

4 (B) Section 1839(g)(1) of the Social Secu-  
5 rity Act (42 U.S.C. 1395r(g)(1)) is amended by  
6 striking “, but only to the extent payment for  
7 home health services under this title is not  
8 being made under section 1895 (relating to pro-  
9 spective payment for home health services)”.

10 (b) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to cost reporting periods beginning  
12 on or after the date that is 30 days after the date of enact-  
13 ment of this Act.

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