

111TH CONGRESS
2D SESSION

H. R. 5950

To amend title XVIII of the Social Security Act to count a period of observation status in a hospital exceeding 24 hours toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. COURTNEY 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 count a period of observation status in a hospital exceeding 24 hours toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

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 “Improving Access to
5 Medicare Coverage Act of 2010”.

1 **SEC. 2. COUNTING A PERIOD OF OBSERVATION STATUS IN**
2 **A HOSPITAL EXCEEDING 24 HOURS TOWARD**
3 **THE 3-DAY INPATIENT HOSPITAL REQUIRE-**
4 **MENT FOR COVERAGE OF SKILLED NURSING**
5 **FACILITY SERVICES UNDER MEDICARE.**

6 (a) IN GENERAL.—Section 1861(i) of the Social Se-
7 curity Act (42 U.S.C. 1395x(i)) is amended by adding at
8 the end the following: “For purposes of this subsection,
9 an individual who is in a period of observation status in
10 a hospital that exceeds 24 hours shall be deemed to have
11 been an inpatient during such period of observation status
12 and the individual’s leaving the hospital after such period
13 of status shall be treated as a discharge from the hos-
14 pital.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply to periods of observation status
17 beginning on or after January 1, 2010, but applies to a
18 period of post-hospital extended care services that was
19 completed before the date of the enactment of this Act
20 only if an administrative appeal is or has been made with
21 respect to such services not later than 90 days after the
22 date of the enactment of this Act. Notwithstanding any
23 other provision of law, the Secretary of Health and
24 Human Services may implement such amendment through

- 1 an interim final regulation, program instruction, or other-
- 2 wise.

