

112TH CONGRESS
2D SESSION

H. R. 6466

To amend title XVIII of the Social Security Act to exempt certain hospice programs from the limitation applicable to payments for hospice care under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2012

Mr. KISSELL introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to exempt certain hospice programs from the limitation applicable to 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. EXCEPTION TO MEDICARE HOSPICE PAYMENT**
4 **CAPS FOR CERTAIN MINORITY OWNED HOS-**
5 **PICES.**

6 (a) IN GENERAL.—Section 1814(i)(2) of the Social
7 Security Act (42 U.S.C. 1395f(i)(2)) is amended—

1 (1) in subparagraph (A), by striking “The
2 amount of payment” and inserting “Subject to sub-
3 paragraph (E), the amount of payment”; and

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

5 “(E) Subparagraph (A) shall not apply with re-
6 spect to hospice care furnished on or after November
7 1, 2004, by (or under arrangements made by) a
8 qualified hospice program.”.

9 (b) QUALIFIED HOSPICE PROGRAMS.—Section
10 1814(i) of the Social Security Act (42 U.S.C. 1395f(i))
11 is amended by adding at the end the following:

12 “(8) For purposes of paragraph (2)(E):

13 “(A) The term ‘qualified hospice program’
14 means, with respect to an accounting year, a
15 hospice program—

16 “(i) for which at least 50 percent of
17 the shares of common stock for such pro-
18 gram are owned by a specified individual
19 or group of specified individuals; and

20 “(ii) for which at least 75 percent of
21 the individuals making an election under
22 subsection (d) with respect to such pro-
23 gram reside in a county or parish that—

1 “(I) has a population that is
2 more than 50 percent specified indi-
3 viduals; or

4 “(II) for which the average per
5 capita income is in the lowest quantile
6 of countries in the State in which the
7 hospice program is located, ranked by
8 average per capita income.

9 “(B) The term ‘specified individual’ means
10 an individual that self-identifies as being Afri-
11 can-American, American Indian, Asian-Amer-
12 ican, or Latin-American.

13 “(C) The term ‘American Indian’ includes
14 an individual who is of a tribe, people, or cul-
15 ture that is indigenous to the United States, in-
16 cluding individuals who are eligible for member-
17 ship in an Indian tribe (as such term is defined
18 in section 4 of the Indian Health Care Improve-
19 ment Act).”.

20 (c) RECALCULATION OF PAYMENT AMOUNTS FOR
21 CERTAIN YEARS.—If the Secretary of Health and Human
22 Services applied the limitation on payment under section
23 1814(i)(2)(A) of the Social Security Act (42 U.S.C.
24 1395f(i)(2)(A)), as in effect before the date of enactment
25 of this Act, with respect to hospice care that was furnished

1 during the period beginning on November 1, 2004, and
2 ending on the date of enactment of this Act by (or under
3 arrangements made by) a qualified hospice program (as
4 defined in section 1814(i)(8) of such Act, as added by sub-
5 section (b)), the Secretary shall—

6 (1) recalculate the amount payable under part
7 A of title XVIII of the Social Security Act (42
8 U.S.C. 1395c et seq.) for such services, after appli-
9 cation of subparagraph (E) of section 1814(i)(2) of
10 such Act (as added by subsection (a)); and

11 (2) take such measures as are necessary to rec-
12 oncile payments made under such part for such serv-
13 ices and period accordingly.

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