

113TH CONGRESS
1ST SESSION

H. R. 3128

To amend title XVIII of the Social Security Act to provide additional penalties applicable to psychiatric hospitals and units that fail to comply with Medicare discharge planning process requirements.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2013

Ms. MATSUI 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 provide additional penalties applicable to psychiatric hospitals and units that fail to comply with Medicare discharge planning process requirements.

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 “Protect Patients Act”.

1 **SEC. 2. ADDITIONAL PENALTIES FOR PSYCHIATRIC HOS-**
2 **PITAL OR UNIT FAILURE TO COMPLY WITH**
3 **MEDICARE DISCHARGE PLANNING PROCESS**
4 **REQUIREMENTS.**

5 Section 1861(ee) of the Social Security Act (42
6 U.S.C. 1395x(ee)) is amended by adding at the end the
7 following new paragraph:

8 “(4)(A) Beginning 1 year after the date of the enact-
9 ment of this paragraph, a psychiatric hospital or a psy-
10 chiatric unit (as described in the matter following clause
11 (v) of section 1886(d)(1)(B)) that is determined by the
12 Secretary not to have in place a discharge planning proc-
13 ess that meets the requirements of this subsection is sub-
14 ject to a civil money penalty of not more than \$10,000.
15 A civil money penalty under this subparagraph shall be
16 imposed and collected in the same manner as civil money
17 penalties under subsection (a) of section 1128A are im-
18 posed and collected under that section.

19 “(B) Beginning 1 year after the date of the enact-
20 ment of this paragraph, the Secretary may require a psy-
21 chiatric hospital or such a psychiatric unit that the Sec-
22 retary has determined on multiple occasions does not have
23 in place a discharge planning process that meets the re-
24 quirements of this subsection to enter into an agreement
25 with the Secretary, similar to a system improvement
26 agreement applied pursuant to section 1866(b), to—

1 “(i) obtain from a third party that is selected
2 by the Secretary an independent review of policies
3 and procedures of the hospital or unit for purposes
4 of providing recommendations for establishing a suf-
5 ficient discharge planning process under this sub-
6 section;

7 “(ii) retain an independent compliance officer
8 for a period specified in the agreement to monitor
9 and assist the hospital or unit in establishing a suf-
10 ficient discharge planning process under this sub-
11 section;

12 “(iii) submit periodic reports to the Secretary
13 detailing improvements made to the policies and pro-
14 cedures of the hospital or unit to have in place a
15 sufficient discharge planning process under this sub-
16 section; and

17 “(iv) undertake such other actions as the Sec-
18 retary determines necessary in order to ensure that
19 the hospital or unit will continue to have a sufficient
20 discharge planning process under this subsection on
21 an ongoing basis.

22 “(C) In the case that a psychiatric hospital or such
23 a psychiatric unit has entered into an agreement under
24 subparagraph (B) and does not have in place a sufficient
25 discharge planning process by the date that is 45 days

1 after entering into such agreement, the Secretary may, in
2 consultation with the State, appoint temporary manage-
3 ment to oversee the operation of the hospital or unit, as-
4 sure the health and safety of the hospital or unit's inpa-
5 tients, and ensure compliance with requirements of such
6 discharge planning process by the hospital or unit. The
7 temporary management under this subparagraph shall be
8 terminated when the Secretary has determined that the
9 hospital or unit has the management capability to ensure
10 continued compliance with all such requirements.”.

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