

113TH CONGRESS
2D SESSION

H. R. 4188

To amend title XVIII of the Social Security Act to adjust the Medicare hospital readmission reduction program to respond to patient disparities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2014

Mr. RENACCI (for himself, Mr. HECK of Nevada, Mr. JOYCE, Mr. RYAN of Ohio, Mr. FITZPATRICK, Mr. TURNER, Mr. KELLY of Pennsylvania, Mrs. CAPITO, Mr. STIVERS, Mr. TIBERI, Mr. LAMALFA, Mr. PERRY, Mr. SAM JOHNSON of Texas, Mr. GIBBS, Mr. CHABOT, Mr. MEEHAN, Mr. JOHNSON of Ohio, Mr. CARNEY, Mr. JOHNSON of Georgia, Mr. ENGEL, Ms. KAPTUR, Mr. DAVID SCOTT of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas) 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 adjust the Medicare hospital readmission reduction program to respond to patient disparities, 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 “Establishing Bene-
5 ficiary Equity in the Hospital Readmission Program Act”.

1 **SEC. 2. ADJUSTING THE MEDICARE HOSPITAL READMIS-**
2 **SION REDUCTION PROGRAM TO RESPOND TO**
3 **PATIENT DISPARITIES.**

4 (a) REMOVAL OF CERTAIN READMISSIONS.—Section
5 1886(q)(5)(E) of the Social Security Act (42 U.S.C.
6 1395ww(q)(5)(E)) is amended by adding at the end the
7 following: “Such term does not include an admission that
8 is classified within one or more of the following: trans-
9 plants, end-stage renal disease, burns, trauma, psychosis,
10 or substance abuse.”.

11 (b) ADJUSTMENT FOR DUAL ELIGIBLE POPU-
12 LATION.—Section 1886(q)(4)(C) of the Social Security
13 Act (42 U.S.C. 1395ww(q)(4)(C)) is amended by adding
14 at the end the following new clause:

15 “(iii) ADJUSTMENT FOR DUAL ELIGI-
16 BLES.—In applying clause (i), the Sec-
17 retary shall provide for such risk adjust-
18 ment as will take into account a hospital’s
19 proportion of inpatients who are full-ben-
20 efit dual eligible individuals (as defined in
21 section 1935(c)(6)) in order to ensure that
22 hospitals that treat the most vulnerable
23 populations are not unfairly penalized by
24 the program under this subsection.”.

25 (c) MEDPAC STUDY ON 30-DAY READMISSION
26 THRESHOLD.—The Medicare Payment Advisory Commis-

1 sion shall conduct a study on the appropriateness of using
 2 a threshold of 30 days for readmissions under section
 3 1886(q)(5)(E) of the Social Security Act (42 U.S.C.
 4 1395ww(q)(5)(E)). The Commission shall submit to Con-
 5 gress a report on such study in its report to Congress in
 6 June 2014.

7 (d) ADDRESSING ISSUE OF NONCOMPLIANT PA-
 8 TIENTS.—Section 1886(q)(4)(C) of the Social Security
 9 Act (42 U.S.C. 1395ww(q)(4)(C)), as amended by sub-
 10 section (b), is further amended by adding at the end the
 11 following new clause:

12 “(iv) CONSIDERATION OF EXCLUSION
 13 OF NONCOMPLIANT PATIENT CASES BASED
 14 ON V CODES.—In promulgating regulations
 15 to carry out this subsection for the applica-
 16 ble period with respect to fiscal year 2015,
 17 the Secretary shall consider the use of V
 18 codes for potential exclusions of cases in
 19 order to address the issue of noncompliant
 20 patients.”.

21 (e) EFFECTIVE DATE; BUDGET NEUTRAL IMPLI-
 22 MENTATION.—

23 (1) The amendments made by this section shall
 24 be effective for applicable periods with respect to fis-
 25 cal year 2015 and each succeeding fiscal year.

1 (2) The Secretary of Health and Human Serv-
2 ices shall make such payment adjustment to sub-
3 section (d) hospitals under the inpatient prospective
4 payment system under section 1886 of the Social
5 Security Act (42 U.S.C. 1395ww) as may be nec-
6 essary to ensure that the implementation of the
7 amendments made by this section do not result in an
8 increase in aggregate expenditures under such sec-
9 tion.

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