

114TH CONGRESS
1ST SESSION

S. 1211

To amend title XVIII of the Social Security Act to provide that payment under the Medicare program to a long-term care hospital for inpatient services shall not be made at the applicable site neutral payment rate for certain discharges involving severe wounds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Mr. COCHRAN (for himself, Mr. WICKER, Mr. MURPHY, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide that payment under the Medicare program to a long-term care hospital for inpatient services shall not be made at the applicable site neutral payment rate for certain discharges involving severe wounds, 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,*

1 **SECTION 1. TEMPORARY EXCEPTION TO SITE NEUTRAL**
 2 **PAYMENT RATE FOR CERTAIN DISCHARGES**
 3 **INVOLVING SEVERE WOUNDS.**

4 (a) IN GENERAL.—Section 1886(m)(6) of the Social
 5 Security Act (42 U.S.C. 1395ww(m)(6)) is amended—

6 (1) in subparagraph (A)(i) by striking “sub-
 7 paragraph (C)” and inserting “subparagraphs (C),
 8 (E), and (F)”; and

9 (2) by adding at the end the following new sub-
 10 paragraphs:

11 “(E) TEMPORARY EXCEPTION FOR CER-
 12 TAIN SEVERE WOUND DISCHARGES FROM SUB-
 13 SECTION (d) HOSPITALS.—

14 “(i) IN GENERAL.—For a discharge
 15 occurring in a cost reporting period begin-
 16 ning prior to October 1, 2017, subpara-
 17 graph (A)(i) shall not apply (and payment
 18 shall be made to a long-term care hospital
 19 without regard to this paragraph) if—

20 “(I) the individual discharged
 21 has a severe wound during the stay in
 22 the long-term care hospital ending
 23 with such discharge;

24 “(II) the individual discharged
 25 meets the severe wound criterion; and

1 “(III) the stay in the long-term
 2 care hospital ending with such dis-
 3 charge was immediately preceded by a
 4 discharge from a stay in a subsection
 5 (d) hospital.

6 “(ii) SEVERE WOUND DEFINED.—In
 7 this paragraph, the term ‘severe wound’
 8 means a stage 3 wound, stage 4 wound,
 9 unstageable wound, non-healing surgical
 10 wound, infected wound, fistula, osteomy-
 11 elitis, or wound with morbid obesity, as
 12 identified in the claim from the long-term
 13 care hospital.

14 “(iii) SEVERE WOUND CRITERION.—
 15 In this subparagraph, the term ‘severe
 16 wound criterion’ means that the individual
 17 discharged—

18 “(I) received an excisional
 19 debridement or total parenteral nutri-
 20 tion during the stay in the long-term
 21 care hospital referred to in clause
 22 (i)(III); or

23 “(II) has at least one major sys-
 24 tem organ failure (lung, liver, kidney,
 25 or heart) as identified in the claim

1 from the immediately preceding stay
 2 in a subsection (d) hospital referred to
 3 in clause (i)(III).

4 “(F) TEMPORARY EXCEPTION FOR CER-
 5 TAIN SEVERE WOUND DISCHARGES FROM CER-
 6 TAIN LONG-TERM CARE HOSPITALS.—For a dis-
 7 charge occurring in a cost reporting period be-
 8 ginning prior to October 1, 2017, subparagraph
 9 (A)(i) shall not apply (and payment shall be
 10 made to a long-term care hospital without re-
 11 gard to this paragraph) if such discharge—

12 “(i) is from a long-term care hospital
 13 identified by the amendment made by sec-
 14 tion 4417(a) of the Balanced Budget Act
 15 of 1997 (42 U.S.C. 1395ww note, Public
 16 Law 105–33); and

17 “(ii) the individual discharged has a
 18 severe wound (as defined in subparagraph
 19 (E)(ii)).”.

20 (b) STUDY AND REPORT TO CONGRESS.—

21 (1) STUDY.—The Secretary of Health and
 22 Human Services shall, in consultation with relevant
 23 stakeholders, conduct a study on the treatment
 24 needs of individuals entitled to benefits under part
 25 A of such title, or enrolled under part B of such

1 title, requiring specialized wound care, and the cost,
2 for such individuals and the Medicare program, of
3 treating severe wounds in rural and urban areas.

4 Such study shall include an assessment of—

5 (A) access of such individuals to appro-
6 priate levels of care for such cases;

7 (B) the potential impact that section
8 1886(m)(6)(A)(i) of the Social Security Act (42
9 U.S.C. 1395ww(m)(6)(A)(i)) will have on the
10 access, quality, and cost of care for such indi-
11 viduals; and

12 (C) how to appropriately pay for such care
13 under the Medicare program under such title.

14 (2) REPORT.—Not later than October 1, 2016,
15 the Secretary of Health and Human Services shall
16 submit to Congress a report on the study conducted
17 under paragraph (1), together with recommenda-
18 tions for such legislation and administrative action
19 as the Secretary determines appropriate.

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