

115TH CONGRESS
2D SESSION

H. R. 6502

To amend title XVIII of the Social Security Act to establish a program to allow qualified group practices to furnish certain items and services at qualified skilled nursing facilities to individuals entitled to benefits under part A and enrolled under part B of the Medicare program to reduce unnecessary hospitalizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2018

Mr. SMITH of Nebraska (for himself, Mrs. BLACK, Mr. CROWLEY, Mr. GRIFFITH, and Mr. BEN RAY LUJÁN of New Mexico) 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 establish a program to allow qualified group practices to furnish certain items and services at qualified skilled nursing facilities to individuals entitled to benefits under part A and enrolled under part B of the Medicare program to reduce unnecessary hospitalizations, 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. SHORT TITLE.**

2 This Act may be cited as the “Reducing Unnecessary
3 Senior Hospitalizations Act of 2018” or the “RUSH Act
4 of 2018”.

5 **SEC. 2. SNF-BASED PROVISION OF PREVENTIVE ACUTE**
6 **CARE AND HOSPITALIZATION REDUCTION**
7 **PROGRAM.**

8 Title XVIII of the Social Security Act is amended by
9 adding at the end the following new section:

10 **“SEC. 1899C. SNF-BASED PROVISION OF PREVENTIVE**
11 **ACUTE CARE AND HOSPITALIZATION REDUC-**
12 **TION PROGRAM.**

13 “(a) ESTABLISHMENT.—There is established a pro-
14 gram to be known as the ‘SNF-based Provision of Preven-
15 tive Acute Care and Hospitalization Reduction Program’
16 (in this section referred to as the ‘Program’), to be admin-
17 istered by the Secretary, for purposes of reducing unneces-
18 sary hospitalizations and emergency department visits by
19 allowing qualified group practices (as defined in section
20 1877(h)(4)) on or after January 1, 2019, to furnish items
21 and services identified under subsection (b)(3) to individ-
22 uals entitled to benefits under part A and enrolled under
23 part B residing in qualified skilled nursing facilities.

24 “(b) OPERATION OF PROGRAM.—Under the Pro-
25 gram, the Secretary shall provide for the following:

1 “(1) Certification of skilled nursing facilities as
2 qualified skilled nursing facilities under subsection
3 (c)(1).

4 “(2) Certification of group practices as quali-
5 fied group practices under subsection (c)(2).

6 “(3) Identification of minimum required non-
7 surgical items and services furnished at a hospital
8 emergency department that may be safely furnished
9 by a qualified group practice at a qualified skilled
10 nursing facility under the Program and that such
11 qualified group practice shall offer to furnish under
12 the Program.

13 “(4) Annual identification of additional items
14 and services furnished at a hospital emergency de-
15 partment that may be safely furnished by a qualified
16 group practice at a qualified skilled nursing facility
17 under the Program during a year and that such
18 qualified group practice may offer to furnish under
19 the Program during such year.

20 “(5) Establishment of qualifications for non-
21 physician employees of such qualified group prac-
22 tices who may furnish such items and services at a
23 qualified skilled nursing facility. Such qualifications
24 shall include the requirement that such an em-
25 ployee—

1 “(A) be certified in advanced cardio-
2 vascular life support by a nationally recognized
3 specialty board of certification or equivalent
4 certification board; and

5 “(B) have at least one year of clinical ex-
6 perience furnishing medical care—

7 “(i) in a hospital emergency depart-
8 ment setting; or

9 “(ii) as an employee of a provider or
10 supplier of ambulance services.

11 “(6) Payment under this title for items and
12 services identified under paragraph (3) or (4) fur-
13 nished by such qualified group practices at such a
14 facility in amounts determined under subsection (d).

15 “(c) CERTIFICATIONS.—

16 “(1) QUALIFIED SKILLED NURSING FACILI-
17 TIES.—For purposes of this section, the Secretary
18 shall certify a skilled nursing facility as a qualified
19 skilled nursing facility if the facility submits an ap-
20 plication in a time and manner specified by the Sec-
21 retary and meets the following requirements:

22 “(A) The facility has on-site diagnostic
23 equipment necessary for a qualified group prac-
24 tice to furnish on-site items and services under

1 the Program and real-time audio and visual ca-
2 pabilities.

3 “(B) The facility ensures that residents of
4 such facility, upon entering such facility, are al-
5 lowed to specify in an advanced care directive
6 whether the resident wishes to receive items
7 and services furnished at the facility under the
8 Program in a case where communication with
9 the resident is not possible.

10 “(C) The facility ensures that individuals
11 to be furnished such items and services under
12 the Program at such facility have the oppor-
13 tunity, at their request, to instead be trans-
14 ported to a hospital emergency department.

15 “(2) QUALIFIED GROUP PRACTICES.—For pur-
16 poses of this section, the Secretary shall certify a
17 group practice as a qualified group practice for a pe-
18 riod of 3 years if the group practice submits an ap-
19 plication in a time and manner specified by the Sec-
20 retary and meets the following requirements:

21 “(A) The group practice offers to furnish
22 all minimum required items and services identi-
23 fied under subsection (b)(3) under the Pro-
24 gram.

1 “(B) The group practice submits a notifi-
2 cation to the Secretary annually specifying
3 which (if any) additional items and services
4 identified under subsection (b)(4) for a year the
5 group practice will offer to furnish for such
6 year under the Program.

7 “(C) The group practice ensures that only
8 individuals who meet the qualifications estab-
9 lished under subsection (b)(4) or a physician
10 who is part of such group practice may furnish
11 such minimum required items and services and
12 such additional items and services.

13 “(D) The group practice ensures that at
14 least 1 such individual or such physician is
15 present at all times at each qualified skilled
16 nursing facility where the group practice may
17 furnish such minimum required items and serv-
18 ices and such additional items and services.

19 “(E) The group practice ensures that, in
20 the case where such minimum required items
21 and services or such additional items and serv-
22 ices are furnished by such an individual, such
23 individual furnishes such minimum required
24 items and services or additional items and serv-
25 ices under the supervision, either in-person or

1 through the use of telehealth (not including
2 store-and-forward technologies), of—

3 “(i) a physician—

4 “(I) who is board certified or
5 board eligible in emergency medicine,
6 family medicine, or internal medicine;
7 or

8 “(II) who has been certified by a
9 nationally recognized specialty board
10 of certification or equivalent certifi-
11 cation board in advanced cardiac life
12 support and advanced trauma life
13 support;

14 “(ii) a nurse practitioner who has
15 been certified by a nationally recognized
16 specialty board of certification or equiva-
17 lent certification board in advanced cardiac
18 life support and advanced trauma life sup-
19 port; or

20 “(iii) a physician assistant who has
21 been certified by a nationally recognized
22 specialty board of certification or equiva-
23 lent certification board in advanced cardiac
24 life support and advanced trauma life sup-
25 port.

1 “(F) With respect to any year in which the
2 qualified group practice would participate in the
3 Program, the Chief Actuary for the Centers for
4 Medicare & Medicaid Services determines that
5 such participation during such year will not re-
6 sult in total estimated expenditures under this
7 title for such year being greater than total esti-
8 mated expenditures under such title for such
9 year without such participation.

10 “(d) PAYMENTS.—

11 “(1) IN GENERAL.—For 2019 and each subse-
12 quent year, the Secretary shall develop a schedule of
13 payments to apply for items and services identified
14 under paragraph (3) or paragraph (4) of subsection
15 (b) furnished during such year by a qualified group
16 practice under the Program. Such payments shall be
17 in lieu of any other payments that may be made
18 under this title for such items and services furnished
19 under the Program.

20 “(2) SHARED SAVINGS.—In the case of a year
21 for which the Secretary determines that a qualified
22 group practice’s participation in the Program re-
23 sulted in a reduction in expenditures under this title
24 compared to what such expenditures would have

1 been without such participation, the Secretary
2 shall—

3 “(A) pay to such qualified group practice
4 an amount equal to 37.5 percent of the esti-
5 mated amount of such reduction; and

6 “(B) pay to each qualified skilled nursing
7 facility where such qualified group practice fur-
8 nished items and services under the Program
9 during such year an amount that bears the
10 same ratio to 12.5 percent of the estimated
11 amount of such reduction as the amount of ex-
12 penditures under the Program for such items
13 and services furnished with respect to individ-
14 uals at such facility by such qualified group
15 practice during such year bears to the total
16 amount of expenditures under the Program for
17 such items and services furnished with respect
18 to all individuals by such qualified group prac-
19 tice during such year.

20 “(e) EVALUATION.—

21 “(1) IN GENERAL.—With respect to a qualified
22 group practice and a qualified skilled nursing facil-
23 ity, not later than 6 months after such group prac-
24 tice begins furnishing items and services under the
25 Program (or, in the case of a qualified skilled nurs-

1 ing facility, not less than 6 months after a qualified
2 group practice first furnishes such items and serv-
3 ices at such facility), and not less than once every
4 2 years thereafter, the Secretary shall evaluate such
5 qualified group practice and such qualified facility
6 using information received under paragraph (2) on
7 such criteria as determined appropriate by the Sec-
8 retary.

9 “(2) REPORTING OF INFORMATION.—In a time
10 and manner specified by the Secretary, a qualified
11 group practice and a qualified skilled nursing facility
12 shall submit to the Secretary a report containing the
13 following information with respect to items and serv-
14 ices furnished under the Program during a reporting
15 period (as specified by the Secretary):

16 “(A) The number of individuals with re-
17 spect to whom such group practice furnished
18 such items and services in such period (or, in
19 the case of a qualified skilled nursing facility,
20 the number of individuals with respect to whom
21 such a group practice furnished such items and
22 services at such facility in such period).

23 “(B) The number of such individuals who
24 were admitted to a hospital or treated in the
25 emergency department of a hospital within 24

1 hours of being furnished such items and serv-
2 ices.

3 “(C) Other information determined appro-
4 priate by the Secretary.

5 “(3) LOSS OF QUALIFIED CERTIFICATION.—

6 “(A) IN GENERAL.—Not later than 3
7 months after a determination described in this
8 sentence is made, the Secretary may revoke the
9 certification of a qualified skilled nursing facil-
10 ity or a qualified group practice made under
11 subsection (c) if—

12 “(i) the Chief Actuary of the Centers
13 for Medicare & Medicaid Services deter-
14 mines that such skilled nursing facility’s or
15 such group practice’s participation in the
16 Program during a year resulted in total ex-
17 penditures under this title for such period
18 being greater than total expenditures
19 under such title would have been during
20 such period without such participation; or

21 “(ii) the Secretary determines that
22 such skilled nursing facility or such group
23 practice has failed to comply with a re-
24 quirement specified in paragraph (1) or (2)
25 of subsection (c), as applicable.

1 “(B) EXCLUSION FROM CERTIFICATION
2 FOR 3-YEAR PERIOD.—In the case that the Sec-
3 retary revokes the certification of a qualified
4 skilled nursing facility or a qualified group
5 practice under subparagraph (A), such skilled
6 nursing facility or such group practice shall be
7 ineligible for certification as a qualified skilled
8 nursing facility or a qualified group practice (as
9 applicable) under subsection (c) for a period of
10 3 years beginning on the date of such revoca-
11 tion.

12 “(f) DETERMINATION OF BUDGET NEUTRALITY;
13 TERMINATION OF PROGRAM.—

14 “(1) DETERMINATION.—Not later than July 1,
15 2024, the Chief Actuary of the Centers for Medicare
16 & Medicaid Services shall determine whether the
17 Program has resulted in an increase in total expend-
18 itures under this title with respect to the period be-
19 ginning on January 1, 2019, and ending on Decem-
20 ber 31, 2023, compared to what such expenditures
21 would have been during such period had the Pro-
22 gram not been in operation.

23 “(2) TERMINATION.—If the Chief Actuary
24 makes a determination under paragraph (1) that the
25 Program has resulted in an increase in total expend-

1 itures under this title, the Secretary shall terminate
2 the Program as of January 1 of the first year begin-
3 ning after such determination.”.

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