

115TH CONGRESS  
2D SESSION

# H. R. 6932

To amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2018

Mr. ABRAHAM (for himself, Mr. DESJARLAIS, Mr. BUCHANAN, Ms. SEWELL of Alabama, and Mr. GRAVES of Louisiana) 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

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## A BILL

To amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program.

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. IMPROVEMENTS TO HOME HEALTH PAYMENT**  
4 **REFORMS UNDER MEDICARE.**

5 (a) APPLICATION OF BUDGET NEUTRALITY.—Sec-  
6 tion 1895(b)(3) of the Social Security Act (42 U.S.C.  
7 1395fff(b)(3)), as amended by section 51001(a)(2) of the

1 Bipartisan Budget Act of 2018 (Public Law 115–123),  
2 is amended—

3 (1) in subparagraph (A)(iv), in the fourth sen-  
4 tence—

5 (A) by striking “shall make” and inserting  
6 “shall not make”; and

7 (B) by striking “and shall provide a de-  
8 scription” and all that follows through the pe-  
9 riod and inserting a period;

10 (2) in subparagraph (D)—

11 (A) in the subparagraph heading, by strik-  
12 ing “ASSUMPTIONS” and inserting “OBSERVED  
13 EVIDENCE”;

14 (B) in clause (i)—

15 (i) by striking “differences between  
16 assumed” and all that follows through  
17 “and actual”;

18 (ii) by inserting “attributable to the  
19 implementation of paragraphs (2)(B) and  
20 (4)(B)” after “behavior changes”; and

21 (iii) by adding at the end the fol-  
22 lowing: “The Secretary shall publish the  
23 determination under this clause with re-  
24 spect to an applicable year, including a de-  
25 scription of the observed evidence used to

1 make such determination, in the notice and  
2 comment rulemaking to update the pro-  
3 spective payment system under this sub-  
4 section for such year. For purposes of the  
5 preceding sentence, the term ‘observed evi-  
6 dence’ means statistically valid data from  
7 the most recent cost report and claims re-  
8 garding changes in the nature of home  
9 health agency patients, patterns of care,  
10 service costs, and claims coding after Jan-  
11 uary 1, 2020, reflecting behavioral changes  
12 relating to implementation of the provi-  
13 sions of and amendments made by section  
14 51001 of the Bipartisan Budget Act of  
15 2018 (Public Law 115–123).”;

16 (C) in clause (ii), by inserting “attrib-  
17 utable to the implementation of paragraphs  
18 (2)(B) and (4)(B)” after “expenditures”; and

19 (D) in clause (iii)—

20 (i) by adding “attributable to the im-  
21 plementation of paragraphs (2)(B) and  
22 (4)(B)” after “expenditures”; and

23 (ii) by adding at the end the fol-  
24 lowing: “If such a temporary increase or  
25 decrease does not exceed 2.00 percent in

1           any given year, the Secretary shall apply  
2           the entire increase or decrease in the next  
3           calendar year payment update; however, if  
4           such a temporary increase or decrease ex-  
5           ceeds 2.00, to provide for minimal disrup-  
6           tion to patients and providers, the Sec-  
7           retary shall phase in the temporary in-  
8           crease or decrease in equal amounts not to  
9           exceed 2.00 percent in any given year  
10          through the respective calendar year pay-  
11          ment updates.”.

12          (b) EFFECTIVE DATE.—The amendments made by  
13          this section shall take effect as if included in the enact-  
14          ment of such section 51001(a)(2).

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