

116TH CONGRESS
2D SESSION

H. R. 9031

To amend title XVIII and XIX of the Social Security to require home health agencies to provide personal protective equipment to workers and submit related reports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2020

Ms. MOORE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 and XIX of the Social Security to require home health agencies to provide personal protective equipment to workers and submit related reports, 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 “Personal Protective
5 Equipment for Home Health Care Workers Act of 2020”.

1 **SEC. 2. REQUIREMENTS FOR HOME HEALTH AGENCIES TO**
2 **PROVIDE PERSONAL PROTECTIVE EQUIP-**
3 **MENT TO WORKERS AND SUBMIT RELATED**
4 **REPORTS.**

5 (a) UNDER THE MEDICARE PROGRAM.—Section
6 1895 of the Social Security Act (42 U.S.C. 1395fff) is
7 amended by adding at the end the following new sub-
8 section:

9 “(f) REQUIREMENTS FOR PERSONAL PROTECTIVE
10 EQUIPMENT.—

11 “(1) IN GENERAL.—With respect to home
12 health services furnished during the period begin-
13 ning on the date of the enactment of this subsection
14 and ending on the last day of the emergency period
15 described in section 1135(g)(1)(B) by a home health
16 agency—

17 “(A) no claim for such a service may be
18 paid under this title, unless the home health
19 agency—

20 “(i) attests to the Secretary it has
21 provided or will provide personal protective
22 equipment to individuals working for the
23 agency at no cost to the individual during
24 such period; and

25 “(ii) so provides personal protective
26 equipment to individuals working for the

1 agency at no cost to the individual during
2 such period; and

3 “(B) in the case the Secretary finds the
4 home health agency is not in compliance with
5 subparagraphs (A) and (B) of paragraph (1),
6 no claim for any such service may be paid
7 under this title to the home health agency dur-
8 ing the period that—

9 “(i) begins on the first day of such
10 noncompliance; and

11 “(ii) ending on the earlier of—

12 “(I) the last day of the 60-day
13 period after the home health agency is
14 in compliance with such subpara-
15 graphs; and

16 “(II) the day that is 10 days
17 after the last day of the emergency
18 period described in section
19 1135(g)(1)(B).

20 “(2) REPORTS.—With respect to home health
21 services furnished by a home health agency, no claim
22 for such a service may be paid under this title, un-
23 less the home health agency submits to the Sec-
24 retary—

1 “(A) not later than 45 days after the en-
2 actment of this subsection, an initial report that
3 specifies the number of deaths of individuals
4 working for the agency during the period begin-
5 ning on the first date of the emergency period
6 described in section 1135(g)(1)(B) and ending
7 on the date such report is submitted, disaggre-
8 gated by week; and

9 “(B) reports to be submitted on a schedule
10 to be determined by the Secretary that specify
11 the number of deaths of individuals working for
12 the agency during the preceding 7-day period
13 through the last day of such emergency pe-
14 riod.”.

15 (b) UNDER STATE MEDICAID PROGRAMS.—Section
16 1903(i) of the Social Security Act (42 U.S.C. 1396b(i))
17 is amended—

18 (1) in paragraph (26), by striking at the end
19 “or”;

20 (2) by inserting after paragraph (27) the fol-
21 lowing new paragraphs:

22 “(28) for home health services furnished during
23 the period beginning on the date of the enactment
24 of this subsection and ending on the last day of the

1 emergency period described in section 1135(g)(1)(B)
2 by a home health agency—

3 “(A) unless the home health agency—

4 “(i) attests to the Secretary it has
5 provided or will provide personal protective
6 equipment to individuals working for the
7 agency at no cost to the individual during
8 such period; and

9 “(ii) so provides personal protective
10 equipment to individuals working for the
11 agency at no cost to the individual during
12 such period; and

13 “(B) for home health services furnished by
14 a home health agency in the case the Secretary
15 finds the home health agency is not in compli-
16 ance with clauses (i) and (ii) of subparagraph
17 (A) for the period that—

18 “(i) begins on the first day of such
19 noncompliance; and

20 “(ii) ending on the earlier of—

21 “(I) the last day of the 60-day
22 period after the home health agency is
23 in compliance with such subpara-
24 graphs; or

1 “(II) the day that is 10 days
2 after the last day of the emergency
3 period described in section
4 1135(g)(1)(B); or

5 “(29) for home health services furnished by a
6 home health agency, unless the home health agency
7 submits to the Secretary—

8 “(A) not later than 45 days after the date
9 of the enactment of this paragraph, an initial
10 report that specifies the number of deaths of in-
11 dividuals working for the agency during the pe-
12 riod beginning on the first date of the emer-
13 gency period described in section 1135(g)(1)(B)
14 and ending on the date such report is sub-
15 mitted, disaggregated by week; and

16 “(B) reports to be submitted on a schedule
17 to be determined by the Secretary that specify
18 the number of deaths of individuals working for
19 the agency during the preceding 7-day period
20 through the last day of such emergency pe-
21 riod.”.

22 (c) UNDER THE PUBLIC HEALTH AND SOCIAL SERV-
23 ICES EMERGENCY FUND.—Any home health agency (as
24 defined in section 1861(o) of the Social Security Act (42
25 U.S.C. 1395x(o)) that has received funding under the

1 “PUBLIC HEALTH AND SOCIAL SERVICES EMER-
 2 GENCY FUND” pursuant to title VIII of division B of
 3 the Coronavirus Aid, Relief, and Economic Security Act
 4 (Public Law 116–136) or the first paragraph of title I
 5 of division B of the Paycheck Protection Program and
 6 Health Care Enhancement Act (Public Law 116–139) be-
 7 fore the date of the enactment of this Act and does not
 8 comply with the requirements described in clauses (i) and
 9 (ii) of paragraph (1)(A) and paragraph (2) of section
 10 1895(f) of the Social Security Act (42 U.S.C. 1395fff(f))
 11 may not receive any additional funding under the “PUB-
 12 LIC HEALTH AND SOCIAL SERVICES EMER-
 13 GENCY FUND” until the date that the home health
 14 agency is in compliance with such requirements.

15 (d) PUBLICLY AVAILABLE REPORTS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
 17 the Secretary of Health and Human Services shall
 18 make the reports required under sections 1895(f)(2)
 19 and 1903(i)(29) of the Social Security Act (42
 20 U.S.C. 1395fff(f)(2); 1396b(i)(29)) and information
 21 contained therein available to the public on the
 22 Internet website of the Centers for Medicare & Med-
 23 icaid Services in a searchable format.

24 (2) HIPAA COMPLIANT INFORMATION ONLY;
 25 PRIVACY FOR INDIVIDUAL WORKERS.—The Sec-

1 retary may only make available the information de-
2 scribed in paragraph (1) to the extent permitted
3 under the Federal regulations (concerning the pri-
4 vacy of individually identifiable health information)
5 promulgated under section 264(c) of the Health In-
6 surance Portability and Accountability Act of 1996
7 and that prevents the identification of individual
8 workers.

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