

116TH CONGRESS
2D SESSION

S. 4423

To amend title XI of the Social Security Act to provide the Secretary of Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during the COVID public health emergency.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2020

Mr. BROWN (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to provide the Secretary of Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during the COVID public health emergency.

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 “COVID–19 Hospice
5 Respite Care Relief Act of 2020”.

1 **SEC. 2. SECRETARIAL AUTHORITY TO TEMPORARILY MOD-**
 2 **IFY CERTAIN MEDICARE REQUIREMENTS**
 3 **FOR HOSPICE CARE DURING THE COVID PUB-**
 4 **LIC HEALTH EMERGENCY.**

5 (a) **AUTHORITY.**—The first sentence of section
 6 1135(b) of the Social Security Act (42 U.S.C. 1320b–
 7 5(b)) is amended—

8 (1) in paragraph (7), by striking “and” at the
 9 end;

10 (2) in paragraph (8), by striking the period at
 11 the end and inserting “; and”; and

12 (3) by inserting after paragraph (8) the fol-
 13 lowing new paragraph:

14 “(9) the limitations under section
 15 1861(dd)(1)(G) that respite care—

16 “(A) may only be provided in an inpatient
 17 setting; and

18 “(B) may not be provided consecutively for
 19 more than five days (except that the Secretary
 20 may not increase the number of consecutive
 21 days to more than 15 days).”.

22 (b) **EMERGENCY PERIOD.**—Section 1135(g)(1)(B) of
 23 the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) is
 24 amended, in the matter preceding clause (i), by striking
 25 “subsection (b)(8)” and inserting “paragraphs (8) and (9)
 26 of subsection (b)”.

1 (c) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary of Health and Human
3 Services may implement the amendments made by this
4 section by interim final rule, program instruction, or oth-
5 erwise.

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