

Public Law 98-617  
98th Congress

An Act

Nov. 8, 1984

[H.R. 5386]

To amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care.

Aged persons.  
Health.  
42 USC 1395f.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) section 1814(i)(1) of the Social Security Act (42 U.S.C. 1395(i)(1)) is amended—

(1) by inserting “(A)” after “(i)(1)”, and

(2) by adding at the end the following new subparagraphs:

“(B) Notwithstanding subparagraph (A), the rate of payment per day for routine home care furnished during fiscal year 1985 shall be \$53.17.

“(C) With respect to care and services furnished on or after October 1, 1985, the Secretary shall, not less often than annually, review and make appropriate adjustments to the payment rate for routine home care and the payment rates for other services included in hospice care based on the costs that are reasonable and related to the costs of furnishing such care and services. The Secretary shall report to Congress on October 1 each year on such review and such adjustments and on the adequacy of the rates under this paragraph to ensure participation by an adequate number of hospice programs under this title.”.

Report.

Effective date.  
42 USC 1395f  
note.

(b) The amendments made by this Act shall apply to routine home care and other services included in hospice care furnished on or after October 1, 1984.

PUBLIC PENSION OFFSET PROVISIONS

97 Stat. 131.  
42 USC 402 note.

SEC. 2. (a)(1) Section 337(b) of the Social Security Amendments of 1983 is amended by striking out “to individuals who initially become eligible” and all that follows and inserting in lieu thereof “for months after June 1983.”.

Effective date.  
42 USC 402 note.

(2) The amendments made by this subsection shall apply to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

42 USC 402 note.

(b)(1) Section 334(g)(1)(A) of the Social Security Amendments of 1977 is amended—

(A) by inserting “(i)” after “(A)”; and

(B) by inserting before the semicolon at the end thereof the following: “, or (ii) who would have been eligible for such a monthly periodic benefit (within the meaning of paragraph (2)) before the close of such 60-month period, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met”.

(2) Section 334(h)(1) of such Amendments (as amended by section 7 of Public Law 97-455) is amended—

(A) by inserting “(A)” after “(1)”; and

(B) by inserting before the semicolon at the end thereof the following: “, or (B) who would have been eligible for such a monthly periodic benefit (within the meaning of subsection (g)(2)) before the close of June 1983, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met”.

(3) The amendments made by this subsection shall apply with respect to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

Effective date.  
42 USC 402 note.

#### TECHNICAL AMENDMENTS

SEC. 3. (a)(1) Section 2307(a)(1) of the Deficit Reduction Act of 1984 is amended by striking out “1842(b)(7)(A)” and inserting in lieu thereof “1842(b)(7)”.

*Ante*, p. 1073.

(2) Section 2326(a) of the Deficit Reduction Act of 1984 is amended by striking out “1816(a)(1)” and inserting in lieu thereof “1816(a)”.

*Ante*, p. 1087.

(3) Section 2354(b)(1) of the Deficit Reduction Act of 1984 is amended by striking out “last sentence of sections 1814(a) and the last sentence of section 1835(a)” and inserting in lieu thereof “the third sentence of section 1814(a) and the fourth sentence of section 1835(a)”.

*Ante*, p. 1100.

(4) Section 2354(b)(23) of the Deficit Reduction Act of 1984 is amended by striking out “1861(v)(1)(E)(ii)” and inserting in lieu thereof “1861(v)(1)(E)”.

(5) Section 2354(c)(3)(B)(i) of the Deficit Reduction Act of 1984 is amended by inserting “under” before “section”.

(6) Section 2363(b) of the Deficit Reduction Act of 1984 is amended by striking out “1903” and inserting in lieu thereof “1903(g)”.

*Ante*, p. 1105.

(7) Section 2373(b) of the Deficit Reduction Act of 1984 is amended by striking out paragraph (6).

*Ante*, p. 1111.

(b)(1) Section 1814(k)(2) of the Social Security Act, as added by section 2321(a)(2) of the Deficit Reduction Act of 1984, is amended—

*Ante*, p. 1084.

(A) by inserting after “public home health agency” the following: “, or by another home health agency which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this paragraph),” and

(B) by inserting “80 percent of” before “the amount”.

(2) Section 1833(a)(2)(A) of the Social Security Act is amended by inserting after “public provider of services” the following: “, or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision),”.

42 USC 1395l.

(3) Section 1833(h)(5)(C) of the Social Security Act, as amended by section 2303(d) of the Deficit Reduction Act of 1984, is amended by inserting a comma after “1842(b)(6)(B)”.

*Ante*, p. 1064.

(4) Section 1839(f)(2)(A) of the Social Security Act, as added by section 2302(b) of the Deficit Reduction Act of 1984, is amended—

*Ante*, p. 1063.

(A) by striking out “for that January after the deduction” and inserting in lieu thereof “for that December after the deduction”; and

(B) by striking out “for that November” and inserting in lieu thereof “for that December”.

(5) Section 1842(b)(7)(A) of the Social Security Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended—

*Ante*, p. 1073.

(A) in clause (ii), by striking out “the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B))” and inserting in lieu thereof “the payment is based upon a reasonable charge for the services in excess of the customary charge as determined in accordance with subparagraph (B)”; and

(B) by striking out the last sentence thereof.

*Ante*, p. 1073.

(6) Section 1842(b)(7)(B) of such Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended by adding at the end thereof the following new clause:

Hospitals.

“(iii) If all the teaching physicians in a hospital agree to have payment made for all of their physicians’ services under this part furnished to patients in such hospital on the basis of an assignment described in paragraph (3)(B)(ii) or under the procedure described in section 1870(f)(1), the customary charge for such services shall be equal to 90 percent of the prevailing charges paid for similar services in the same locality.”

*Ante*, p. 1094.

(7) Section 1861(r)(3) of the Social Security Act, as amended by section 2341 of the Deficit Reduction Act of 1984, is amended by striking out “under subsections (k) and (m) and sections 1814(a) and 1835” and inserting in lieu thereof “under subsections (k), (m), and (p)(1) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835”.

*Ante*, p. 1086.

(8) Paragraph (11) of section 1881(b) of the Social Security Act, added by section 2323(c) of the Deficit Reduction Act of 1984, is amended by aligning its left margin flush so as to align its left margin with that of paragraph (10).

*Ante*, p. 1076.

(9) Section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 2311(a) of the Deficit Reduction Act of 1984, is amended by striking out “30 days after the date of the enactment of this Act” and inserting in lieu thereof “August 17, 1984”.

*Ante*, p. 1109.

(10) Section 1902(a)(26) of the Social Security Act, as amended by section 2368(b) of the Deficit Reduction Act of 1984, is amended by indenting subparagraph (C) two additional ems to the right so as to align its left margin with the left margin of subparagraph (A) of that section.

Effective date.  
42 USC 1395f  
note.  
*Ante*, p. 494.

(c) The amendments made by this section shall be effective as if they had been originally included in the Deficit Reduction Act of 1984.

#### FOSTER CARE PROVISIONS

42 USC 674.

SEC. 4. (a) Section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out “1981 through 1984” and inserting in lieu thereof “1981 through 1985”;

(2) in paragraph (2)(A)—

(A) by striking out “and” at the end of clause (iii),

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof “; and”, and

(C) by adding after clause (iv) the following new clause:

“(v) with respect to fiscal year 1985, only if the amount appropriated under section 420 for such fiscal year is equal to \$266,000,000.”; and

(3) in paragraph (5)(A)—

(A) by striking out “October 1, 1984” and inserting in lieu thereof “October 1, 1985”, and

(B) by striking out “fiscal year 1984” in clause (ii) and inserting in lieu thereof “each of fiscal years 1984 and 1985”.

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out “1981 through 1984” and inserting in lieu thereof “1981 through 1985”.

42 USC 674.

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out “October 1, 1984” and inserting in lieu thereof “October 1, 1985”.

97 Stat. 803.

42 USC 672

note.

(2) Section 102(c) of such Act is amended by striking out “October 1, 1984” each place it appears and inserting in lieu thereof “October 1, 1985”.

97 Stat. 803.

42 USC 672

note.

Approved November 8, 1984.

#### LEGISLATIVE HISTORY—H.R. 5386:

HOUSE REPORT No. 98-1100 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 130 (1984):

Oct. 1, considered and passed House.

Oct. 11, considered and passed Senate, amended; House concurred in Senate amendments.