118TH CONGRESS 1ST SESSION

H. R. 

To amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Ms. Sewell introduced the following bill; which was referred to the Committee on ________________________

A BILL

To amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies 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. SHORT TITLE.
4 This Act may be cited as the “Preserving Access to
5 Home Health Act of 2023”.
SEC. 2. ENSURING STABILITY IN PAYMENTS TO HOME HEALTH AGENCIES.

(a) REPEAL OF PERMANENT AND TEMPORARY ADJUSTMENTS.—Section 1895(b)(3) of the Social Security Act (42 U.S.C. 1395fff(b)(3)) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE; IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Bipartisan Budget Act of 2018 (Public Law 115–123).

(2) IMPLEMENTATION.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall implement such section 1895(b)(3) for 2024 and subsequent years as if the amendment made by section 51001(a)(2)(B) of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123) (adding such subparagraph (D)) had not been made.

(c) CONSTRUCTION.—Nothing in this section shall be construed as signifying congressional approval or disapproval of the methodology promulgated by the Secretary to implement section 1895(b)(3)(D) of the Social Security Act in the final rule entitled, "Medicare Program; Calendar Year (CY) 2023 Home Health Prospective Payment System Rate Update; Home Health Quality Reporting
Program Requirements; Home Health Value-Based Purchasing Expanded Model Requirements; and Home Infusion Therapy Services Requirements” published in the Federal Register on November 4, 2022 (87 Fed. Reg. 66790).

**SEC. 3. INTERACTION OF MEDICARE PAYMENT POLICIES WITH HEALTH CARE DELIVERY GENERALLY.**

Section 1805(b)(2)(C) of the Social Security Act (42 U.S.C. 1395b–6(b)(2)(C)) is amended—

(1) by striking “GENERALLY.—Specifically,” and inserting “GENERALLY.—

“(i) IN GENERAL.—Specifically,”; and

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

“(ii) **SPECIAL RULE FOR HOME HEALTH AGENCIES.**—

“(1) IN GENERAL.—When conducting the review of home health agency financial performance and its impact on access to care under the original fee-for-service system, the Commission shall—

“(aa) review and report on aggregate trends in spending, utilization, and financial perform-
ance under the Medicare Advantage program, the Medicaid program under title XIX (both fee-for-service and managed care payment models), and other payers for home health agency services;

“(bb) evaluate and consider the impact of all payers on access to care for Medicare beneficiaries; and

“(cc) comprehensively disclose the methodologies used to evaluate and calculate home health agency margins under this title and all other payers, including the process for developing the data used.

Where appropriate, the Commission shall conduct such reviews in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900.

“(II) MEDICARE HOME HEALTH COST REPORT AMENDMENTS.—For
cost reporting periods beginning in
2025 and subsequent years, the Sec-
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retary shall have in effect an amended
Medicare home health cost report that
collects data on visit utilization and
total payments by payer source, in-
cluding original fee-for-service pay-
ments, Medicare Advantage, the Med-
icaid program under title XIX (both
fee-for-service and managed care pay-
ment models), and other payers. The
Secretary shall make such amended
cost reports available to the Commiss-
ion in the form and manner nec-
essary to conduct the analysis de-
scribed in subclause (I).

“(III) FINANCIAL DATA.—Prior
to the availability of cost report data
as described in subclause (II), the
Commission shall utilize data on cost
and revenues from sources it deems as
reliable and valid for purposes of con-
ducting the analysis described in sub-
clause (I).”