

112TH CONGRESS  
1ST SESSION

# H. R. 2500

To amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2011

Mr. BURGESS (for himself, Mr. ENGEL, Mr. BRADY of Texas, Mr. RANGEL, Mr. GRIMM, Mr. SESSIONS, Mrs. MALONEY, Mrs. CAPITO, Mr. HINCHEY, Mr. SCALISE, Mr. GERLACH, Mr. KING of New York, Mr. GENE GREEN of Texas, Mr. HIGGINS, Mr. CROWLEY, Mrs. BLACKBURN, Mr. KIND, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. OLSON, Mr. ACKERMAN, Mr. STIVERS, Mr. BUCSHON, Mrs. LOWEY, Mrs. ELLMERS, Mr. BRADY of Pennsylvania, Ms. CLARKE of New York, Mr. MARINO, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. STARK, Mr. PETRI, Mr. LATOURETTE, Mr. SHUSTER, Mr. FARR, Mr. TIBERI, Mr. POMPEO, Mr. LEVIN, Mr. HANNA, Mr. BOSWELL, Mr. RUNYAN, Mr. NEAL, Mr. MCGOVERN, Mr. NADLER, Mr. BUTTERFIELD, Mr. HEINRICH, Mr. BECERRA, Mr. McDERMOTT, Ms. BERKLEY, Mr. SCHOCK, Mr. MARCHANT, Ms. JACKSON LEE of Texas, and Mr. CANSECO) 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 titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Equal Access and Par-  
3 ity for Multi-Campus Hospitals Act”.

4 **SEC. 2. CLARIFICATION OF INCENTIVES FOR MULTI-CAM-**  
5 **PUS HOSPITALS FOR ADOPTION AND MEAN-**  
6 **INGFUL USE OF CERTIFIED ELECTRONIC**  
7 **HEALTH RECORDS.**

8 (a) SPECIAL RULE FOR APPLYING MEDICARE EHR  
9 INCENTIVE PAYMENTS TO REMOTE INPATIENT LOCA-  
10 TIONS OF A HOSPITAL.—Section 1886(n) of the Social Se-  
11 curity Act (42 U.S.C. 1395ww(n)) is amended—

12 (1) in paragraph (2), by adding at the end the  
13 following new subparagraph:

14 “(H) SPECIAL RULE FOR REMOTE INPA-  
15 TIENT LOCATIONS OF A HOSPITAL.—

16 “(i) IN GENERAL.—In the case of an  
17 eligible hospital that consists of a qualified  
18 main provider and one or more qualified  
19 remote inpatient locations, the hospital  
20 may elect (in such form and manner as  
21 specified by the Secretary) for all applica-  
22 ble payment years to—

23 “(I) substitute the base amount  
24 alternative described in clause (ii) for  
25 the base amount described in subpara-  
26 graph (A)(i)(I); or

1 “(II) substitute the discharge re-  
2 lated amount alternative described in  
3 clause (iii) for the discharge related  
4 amount described in subparagraph  
5 (A)(i)(II).

6 The election described in the previous sen-  
7 tence, with respect to an eligible hospital,  
8 shall be made once for such hospital and  
9 shall apply to such hospital for all applica-  
10 ble payment years.

11 “(ii) BASE AMOUNT ALTERNATIVE.—  
12 The base amount alternative described in  
13 this clause with respect to an eligible hos-  
14 pital is the product of—

15 “(I) the base amount specified in  
16 subparagraph (B); and

17 “(II) the total number of all  
18 qualified component facilities of the  
19 hospital.

20 An election to substitute the base amount  
21 alternative described in this clause shall  
22 not affect the computation of the discharge  
23 related amount specified in subparagraph  
24 (C) for the eligible hospital.

1           “(iii) DISCHARGE RELATED AMOUNT  
2 ALTERNATIVE.—The discharge related  
3 amount alternative described in this clause  
4 with respect to an eligible hospital for a  
5 12-month period is determined as follows:

6           “(I) First, compute the amount  
7 under subparagraph (C) as if the  
8 phrase ‘estimated based upon total  
9 discharges for the eligible hospital (re-  
10 gardless of any source of payment) for  
11 the period divided by the total number  
12 of all component facilities of the hos-  
13 pital’ were substituted for the phrase  
14 ‘estimated based upon total discharges  
15 for the eligible hospital (regardless of  
16 any source of payment) for the pe-  
17 riod’.

18           “(II) Then multiply the amount  
19 computed under subclause (I) by the  
20 total number of all qualified compo-  
21 nent facilities of such hospital.

22           “(iv) DEFINITIONS.—For purposes of  
23 this subsection:

24           “(I) APPLICABLE PAYMENT  
25 YEAR.—The term ‘applicable payment

1 year' means the first payment year  
2 for which a hospital makes an election  
3 described in clause (i) and each subse-  
4 quent payment year applicable to such  
5 hospital.

6 “(II) COMPONENT FACILITY;  
7 QUALIFIED COMPONENT FACILITY.—  
8 The term ‘component facility’ means,  
9 with respect to an eligible hospital,  
10 the main provider or any remote inpa-  
11 tient location of such hospital. The  
12 term ‘qualified component facility’  
13 means, with respect to a main pro-  
14 vider, a qualified main provider and,  
15 with respect to a remote inpatient lo-  
16 cation, a qualified remote inpatient lo-  
17 cation.

18 “(III) MAIN PROVIDER; QUALI-  
19 FIED MAIN PROVIDER.—The term  
20 ‘main provider’, with respect to an eli-  
21 gible hospital, has the meaning given  
22 such term in section 413.65(a)(2) of  
23 title 42, Code of Federal Regulations.  
24 The term ‘qualified main provider’  
25 means a main provider that is a

1 meaningful EHR user for the report-  
2 ing period involved.

3 “(IV) REMOTE INPATIENT LOCA-  
4 TION; QUALIFIED REMOTE INPATIENT  
5 LOCATION.—The term ‘remote inpa-  
6 tient location’ means, with respect to  
7 an eligible hospital, a remote location  
8 of a hospital, as defined in and ap-  
9 plied under section 413.65 of title 42,  
10 Code of Federal Regulations, that  
11 provides inpatient hospital services  
12 that are paid for under subsection (d).  
13 The term ‘qualified remote inpatient  
14 location’ means, with respect to an eli-  
15 gible hospital, a location for which the  
16 eligible hospital has submitted to the  
17 Secretary, for the reporting period in-  
18 volved, an attestation (in such form  
19 and manner as specified by the Sec-  
20 retary) that certifies that the location  
21 is a remote inpatient location and a  
22 meaningful EHR user for such pe-  
23 riod.”; and

24 (2) in paragraph (4)(A)—

1 (A) at the end of clause (ii), by striking  
2 “and”;

3 (B) at the end of clause (iii), by striking  
4 the period and inserting a semicolon; and

5 (C) by adding at the end the following new  
6 clauses:

7 “(iv) the methodology and standards  
8 for determining a remote inpatient loca-  
9 tion, a qualified remote inpatient location,  
10 a component facility, a qualified compo-  
11 nent facility, a main provider, and a quali-  
12 fied main provider, as such terms are de-  
13 fined in paragraph (2)(H)(iv), and which  
14 such locations, facilities, and providers are  
15 qualified remote inpatient locations, quali-  
16 fied component facilities, and qualified  
17 main providers, as such terms are defined  
18 in such paragraph; and

19 “(v) the methodology and standards  
20 for the election described in paragraph  
21 (2)(H).”.

22 (b) IMPLEMENTATION AND ADMINISTRATION.—

23 (1) IMPLEMENTATION.—Notwithstanding any  
24 other provision of law, the Secretary of Health and

1 Human Services may implement by program instruc-  
2 tion or otherwise this section.

3 (2) ADMINISTRATION.—Chapter 35 of title 44,  
4 United States Code, shall not apply to the collection  
5 of information to carry out the amendments made  
6 by this section.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply as if included in the enactment  
9 of the American Recovery and Reinvestment Act of 2009  
10 (Public Law 111–5).

11 **SEC. 3. CLARIFICATION FOR MEDICAID EHR PAYMENT IN-**  
12 **CENTIVES.**

13 (a) IN GENERAL.—Section 1903(t)(5) of the Social  
14 Security Act (42 U.S.C. 1396b(t)(5)) is amended—

15 (1) by adding at the end the following new sub-  
16 paragraph:

17 “(E) For purposes of determining the ap-  
18 plicable amounts specified in subparagraph (A)  
19 of section 1886(n)(2), as applied by the first  
20 sentence of subparagraph (B)—

21 “(i) the provisions of subparagraph  
22 (H) of such section shall apply to a Med-  
23 icaid provider described in paragraph  
24 (2)(B) consisting of a qualified main pro-  
25 vider and one or more qualified remote in-



1 patient locations (as such terms are de-  
2 fined in clause (iv) of such subparagraph  
3 (H)) in the same manner and to the same  
4 extent that such subparagraph applies to  
5 an eligible hospital described in clause (i)  
6 of such subparagraph, except that—

7 “(I) in applying the second sen-  
8 tence of clause (iv)(IV) of such sub-  
9 paragraph, with respect to a Medicaid  
10 provider described in paragraph  
11 (2)(B), in lieu of certifying that a re-  
12 mote inpatient location is a meaning-  
13 ful EHR user, the Medicaid provider  
14 shall certify that the remote inpatient  
15 location is described in paragraph  
16 (2)(B) and is in compliance with  
17 paragraph (6)(C) of this subsection  
18 for the year of payment involved; and

19 “(II) the first sentence of clause  
20 (iv)(IV) of such subparagraph shall be  
21 applied in the case of a Medicaid pro-  
22 vider described in paragraph (2)(B)(i)  
23 without regard to the requirement  
24 that inpatient hospital services pro-

1                   vided are paid for under section  
2                   1886(d); and

3                   “(ii) an election made under subpara-  
4                   graph (H) of such section by an eligible  
5                   hospital described in clause (i) of such sub-  
6                   paragraph that is a Medicaid provider de-  
7                   scribed in paragraph (2)(B), shall apply.

8                   The Secretary may make appropriate adjust-  
9                   ments to the overall hospital EHR amount  
10                  under subparagraph (B), with respect to a  
11                  Medicaid provider described in paragraph  
12                  (2)(B), to take into account the provisions of  
13                  this subparagraph.”; and

14                  (2) in the first sentence of subparagraph (B),  
15                  by inserting “and subject to subparagraph (E)”  
16                  after “For purposes of this paragraph”.

17                  (b) **EFFECTIVE DATE.**—The amendments made by  
18                  this section shall apply as if included in the enactment  
19                  of the American Recovery and Reinvestment Act of 2009  
20                  (Public Law 111–5).

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