

114TH CONGRESS  
1ST SESSION

# H. R. 290

To amend title XVIII of the Social Security Act to eliminate the 3-day prior hospitalization requirement for Medicare coverage of skilled nursing facility services in qualified skilled nursing facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2015

Mr. RENACCI (for himself, Mr. JOYCE, Mr. NUGENT, Mr. ROTHFUS, Mr. GIBBS, Mr. KELLY of Pennsylvania, Mr. TURNER, Mr. RIBBLE, Mr. BUCSHON, Mr. CARNEY, Mr. DELANEY, Ms. FUDGE, Mr. KILMER, Mr. WEBSTER of Florida, and Mr. HECK of Nevada) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act to eliminate the 3-day prior hospitalization requirement for Medicare coverage of skilled nursing facility services in qualified skilled nursing facilities, 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 “Creating Access to Re-  
5 habilitation for Every Senior (CARES) Act of 2015”.

1 **SEC. 2. ELIMINATION OF MEDICARE 3-DAY PRIOR HOS-**  
2 **PITALIZATION REQUIREMENT FOR COV-**  
3 **ERAGE OF SKILLED NURSING FACILITY SERV-**  
4 **ICES IN QUALIFIED SKILLED NURSING FA-**  
5 **CILITIES.**

6 (a) IN GENERAL.—Subsection (f) of section 1812 of  
7 the Social Security Act (42 U.S.C. 1395d) is amended to  
8 read as follows:

9 “(f) COVERAGE OF EXTENDED CARE SERVICES  
10 WITHOUT A 3-DAY PRIOR HOSPITALIZATION FOR QUALI-  
11 FIED SKILLED NURSING FACILITY.—

12 “(1) IN GENERAL.—Effective for extended care  
13 services furnished pursuant to an admission to a  
14 skilled nursing facility that occurs more than 90  
15 days after the date of the enactment of the Creating  
16 Access to Rehabilitation for Every Senior (CARES)  
17 Act of 2015, coverage shall be provided under this  
18 part for an individual for such services in a qualified  
19 skilled nursing facility that are not post-hospital ex-  
20 tended care services.

21 “(2) CONTINUED APPLICATION OF CERTIFI-  
22 CATION AND OTHER REQUIREMENTS AND PROVI-  
23 SIONS.—The requirements of the following provi-  
24 sions shall apply to extended care services provided  
25 under paragraph (1) in the same manner as they  
26 apply to post-hospital extended care services:

1           “(A) Paragraphs (2) and (6) of section  
2           1814(a), except that the requirement of para-  
3           graph (2)(B) of such section shall not apply in-  
4           sofar as it relates to any required prior receipt  
5           of inpatient hospital services.

6           “(B) Subsections (b)(2) and (e) of this sec-  
7           tion.

8           “(C) Paragraphs (1)(G)(i), (2)(A), and (3)  
9           of section 1861(v).

10          “(D) Section 1861(y).

11          “(E) Section 1862(a)(18).

12          “(F) Section 1866(a)(1)(H)(ii)(I).

13          “(G) Subsections (d) and (f) of section  
14          1883.

15          “(H) Section 1888(e).

16          “(3) QUALIFIED SKILLED NURSING FACILITY  
17          DEFINED.—

18                 “(A) IN GENERAL.—In this subsection, the  
19                 term ‘qualified skilled nursing facility’ means a  
20                 skilled nursing facility that the Secretary deter-  
21                 mines—

22                         “(i) subject to subparagraphs (B) and  
23                         (C), based upon the most recent ratings  
24                         under the system established for purposes  
25                         of rating skilled nursing facilities under

1 the Medicare Nursing Home Compare pro-  
2 gram, has an overall rating of 3 or more  
3 stars or a score of 4 stars or higher on the  
4 individual quality domain or on the staff-  
5 ing quality domain; and

6 “(ii) is not subject to a quality-of-care  
7 corporate integrity agreement (relating to  
8 one or more programs under this Act) that  
9 is in effect with the Inspector General of  
10 the Department of Health and Human  
11 Services and that requires the facility to  
12 retain an independent quality monitor.

13 The Secretary may make a determination under  
14 clause (ii) based upon the most current infor-  
15 mation contained in the website of the Inspec-  
16 tor General.

17 “(B) WAIVER OF RATINGS TO ENSURE AC-  
18 CESS.—The Secretary may, upon application,  
19 waive the requirement of subparagraph (A)(i)  
20 for a skilled nursing facility in order to ensure  
21 access to extended care services that are not  
22 post-hospital extended care services in par-  
23 ticular underserved geographic areas.

24 “(C) GRACE PERIOD FOR CORRECTION OF  
25 RATINGS.—In the case of a skilled nursing fa-

1           cility that qualifies as a qualified skilled nursing  
2           facility for a period and that would be disquali-  
3           fied under subparagraph (A)(i) because of a de-  
4           cline in its star rating, before disqualifying the  
5           facility the Secretary shall provide the facility  
6           with a grace period of 1 year during which the  
7           facility seeks to improve its ratings based on a  
8           plan of correction approved by the Secretary.

9           “(D) HOLDING BENEFICIARIES HARMLESS  
10          IN CASE OF DISQUALIFICATION OF A FACIL-  
11          ITY.—In the case of a skilled nursing facility  
12          that qualifies as a qualified skilled nursing fa-  
13          cility for a period and that is disqualified under  
14          subparagraph (A), such disqualification shall  
15          not apply to or affect individuals who are ad-  
16          mitted to the facility at the time of the disquali-  
17          fication.”.

18          (b) MEDPAC STUDY OF COST OF IMPLEMENTA-  
19          TION.—The Medicare Payment Advisory Commission shall  
20          conduct a study of, and submit a report to Congress and  
21          the Secretary of Health and Human Services on, the cost  
22          of impact of the amendment made by subsection (a), no  
23          later than June 1, 2018.

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