

115TH CONGRESS
1ST SESSION

H. R. 662

To enable hospital-based nursing programs that are affiliated with a hospital to maintain payments under the Medicare program to hospitals for the costs of such programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Ms. JENKINS of Kansas (for herself, Mr. KIND, Mr. TURNER, Mr. TONKO, and Mr. KINZINGER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To enable hospital-based nursing programs that are affiliated with a hospital to maintain payments under the Medicare program to hospitals for the costs of such programs.

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 “Making the Education
5 of Nurses Dependable for Schools Act” or the “MEND
6 Act”.

1 **SEC. 2. ENABLING HOSPITAL-BASED NURSING PROGRAMS**
2 **THAT ARE AFFILIATED WITH A HOSPITAL TO**
3 **MAINTAIN MEDICARE PAYMENTS FOR THE**
4 **COSTS OF SUCH PROGRAMS.**

5 (a) IN GENERAL.—For purposes of clarifying the
6 methodology for payment under the Medicare program
7 under title XVIII of the Social Security Act (42 U.S.C.
8 1395 et seq.) to providers for the costs of nursing and
9 allied health education activities for cost reporting periods
10 beginning on or after the date of the enactment of this
11 Act, the Secretary of Health and Human Services shall
12 apply section 413.85 of title 42, Code of Federal Regula-
13 tions—

14 (1) by treating a provider as meeting all of the
15 requirements described in paragraph (f)(1) of such
16 section if the provider or a wholly owned subsidiary
17 educational institution of such provider singly or col-
18 lectively meets all of such requirements;

19 (2) in the case of a provider that would meet
20 the requirements of paragraph (g)(3) of such sec-
21 tion, with respect to a nursing or allied health edu-
22 cation program, except that the transfer described in
23 such paragraph of such a program to a wholly
24 owned subsidiary educational institution in order to
25 meet accreditation standards occurred after October
26 1, 2003, by treating such provider as meeting the

1 requirements of such paragraph (and eligible for
2 payments under such paragraph) with respect to
3 such program;

4 (3) in the case of a provider or wholly owned
5 subsidiary educational institution of such provider
6 that has been in continuous operation since October
7 1, 2003, by treating such provider, beginning as of
8 such date with respect to such program, as described
9 in paragraphs (1) and (2) of this subsection; and

10 (4) by defining the term “wholly owned sub-
11 sidiary educational institution”, as referenced in
12 such section, as such term is defined under sub-
13 section (b).

14 (b) DEFINITIONS.—For purposes of this section:

15 (1) PROVIDER.—The term “provider” has the
16 meaning given such term in section 400.202 of title
17 42, Code of Federal Regulations.

18 (2) WHOLLY OWNED SUBSIDIARY EDUCATIONAL
19 INSTITUTION.—The term “wholly owned subsidiary
20 educational institution” means, with respect to a
21 provider, an educational institution that—

22 (A) is organized as a legal entity distinct
23 from the provider;

24 (B) has the provider as its sole owner or
25 sole member; and

1 (C) is organized in the same State in
2 which the provider is organized or registered to
3 do business.

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