

114TH CONGRESS  
2D SESSION

# S. 3107

To amend title XVIII of the Social Security Act to provide for a temporary exception to the application of the Medicare long-term care hospital site neutral provisions for certain spinal cord specialty hospitals.

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2016

Mr. ISAKSON (for himself, Mr. BENNET, Mr. GARDNER, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for a temporary exception to the application of the Medicare long-term care hospital site neutral provisions for certain spinal cord specialty hospitals.

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. TEMPORARY EXCEPTION TO THE APPLICATION**  
4 **OF THE MEDICARE LTCH SITE NEUTRAL PRO-**  
5 **VISIONS FOR CERTAIN SPINAL CORD SPE-**  
6 **CIALTY HOSPITALS.**

7 (a) EXCEPTION.—Section 1886(m)(6) of the Social  
8 Security Act (42 U.S.C. 1395ww(m)(6)) is amended—

1 (1) in subparagraph (A)(i) by striking “and  
2 (E)” and inserting “, (E), and (F)”; and

3 (2) by adding at the end the following new sub-  
4 paragraph:

5 “(F) TEMPORARY EXCEPTION FOR CER-  
6 TAIN SPINAL CORD SPECIALTY HOSPITALS.—  
7 For discharges in cost-reporting periods begin-  
8 ning during fiscal years 2018 through 2023,  
9 subparagraph (A)(i) shall not apply (and pay-  
10 ment shall be made to a long-term care hospital  
11 without regard to this paragraph) if such dis-  
12 charge is from a long-term care hospital that,  
13 in its cost-reporting period that began during  
14 fiscal year 2015—

15 “(i) was a not-for-profit long-term  
16 care hospital;

17 “(ii) primarily provided extensive  
18 medical, surgical, or rehabilitation services  
19 with respect to MS–LTC–DRGs relating to  
20 catastrophic spinal cord or acquired brain  
21 injuries or other paralyzing neuromuscular  
22 conditions; and

23 “(iii) admitted inpatients (including  
24 both individuals entitled to, or enrolled for  
25 benefits under this title and individuals not

1 so entitled or enrolled) from at least 20  
2 different States, determined based on data  
3 submitted by the hospital to the Sec-  
4 retary.”.

5 (b) STUDY AND REPORT ON THE STATUS AND VIA-  
6 BILITY OF CERTAIN SPINAL CORD SPECIALTY LONG-  
7 TERM CARE HOSPITALS.—

8 (1) STUDY.—The Secretary of Health and  
9 Human Services shall conduct a study on the status  
10 and viability of long-term care hospitals described in  
11 section 1886(m)(6)(F) of the Social Security Act, as  
12 added by subsection (a). Such report shall include  
13 an analysis of the following:

14 (A) Challenges related to classification and  
15 facility licensure by State agencies for such  
16 long-term care hospitals, as demonstrated by  
17 such hospitals.

18 (B) The adequacy of Medicare payment  
19 rates for such long-term care hospitals.

20 (C) Utilization data to determine the prev-  
21 alence of Medicare beneficiaries who have been  
22 diagnosed with catastrophic spinal cord or ac-  
23 quired brain injuries or other paralyzing neuro-  
24 muscular conditions.

1           (2) REPORT.—Not later than September 30,  
2           2022, the Secretary of Health and Human Services  
3           shall submit to Congress a report on the study con-  
4           ducted under paragraph (1), together with rec-  
5           ommendations for such legislation and administra-  
6           tive action as the Secretary determines appropriate.

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