

114TH CONGRESS  
2D SESSION

# S. 3305

To amend title XVIII of the Social Security Act to require the use of electronic visit verification systems for home health services under the Medicare program.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2016

Mr. GRASSLEY 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 require the use of electronic visit verification systems for home health services 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 “Verifying Electroni-  
5 cally the Receipt of In-Home Care For Individuals Act”  
6 or the “VERIFI Act”.

1 **SEC. 2. REQUIREMENT THAT MEDICARE HOME HEALTH**  
2 **AGENCIES HAVE IN PLACE AN ELECTRONIC**  
3 **VISIT VERIFICATION SYSTEM.**

4 (a) **CONDITION OF PARTICIPATION.**—Section  
5 1891(a) of the Social Security Act (42 U.S.C.  
6 1395bbb(a)) is amended by adding at the end the fol-  
7 lowing new paragraph:

8 “(7)(A) In the case of home health services fur-  
9 nished on or after January 1, 2019, the agency has  
10 in place an electronic visit verification system that  
11 meets standards established by the Secretary.

12 “(B) In this paragraph, the term ‘electronic  
13 visit verification system’ means a system under  
14 which visits conducted as part of home health serv-  
15 ices furnished by a home health agency are electroni-  
16 cally verified by the agency with respect to—

17 “(i) the type of service performed;

18 “(ii) the individual receiving the service;

19 “(iii) the date of the service;

20 “(iv) the location of the service is fur-  
21 nished;

22 “(v) the individual furnishing the service;

23 and

24 “(vi) the time the service begins and ends.

25 “(C) By not later than July 1, 2018, the Sec-  
26 retary shall establish standards for electronic visit

1 verification systems. In establishing such standards,  
2 the Secretary shall consult with home health agen-  
3 cies to ensure that such standards—

4 “(i) are minimally burdensome;

5 “(ii) take into account existing best prac-  
6 tices and electronic visit verification systems in  
7 use; and

8 “(iii) require that the systems are con-  
9 ducted in accordance with the requirements of  
10 HIPAA privacy and security law (as defined in  
11 section 3009 of the Public Health Service  
12 Act).”.

13 (b) RULES OF CONSTRUCTION.—

14 (1) NO EMPLOYER-EMPLOYEE RELATIONSHIP  
15 ESTABLISHED.—Nothing in the amendment made by  
16 this section may be construed as establishing an em-  
17 ployer-employee relationship between the home  
18 health agency and the individuals who, under a con-  
19 tract with such an agency, furnish such services for  
20 purposes of part 552 of title 29, Code of Federal  
21 Regulations (or any successor regulations).

22 (2) NO PARTICULAR OR UNIFORM ELECTRONIC  
23 VISIT VERIFICATION SYSTEM REQUIRED.—Nothing  
24 in the amendment made by this section shall be con-  
25 strued to require the use of a particular or uniform

1 electronic visit verification system (as defined in  
2 paragraph (7)(B) of section 1891(a) of the Social  
3 Security Act (42 U.S.C. 1395bbb(a)), as added by  
4 subsection (a)) by all agencies that furnish home  
5 health services under title XVIII of such Act.

6 (3) NO LIMITS ON PROVISION OF CARE.—Noth-  
7 ing in the amendment made by this section may be  
8 construed to limit, with respect to home health serv-  
9 ices furnished under title XVIII of the Social Secu-  
10 rity Act, provider selection, constrain beneficiaries'  
11 selection of a caregiver, or impede the manner in  
12 which care is furnished.

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