

**AMENDMENT TO MR. TAUZIN'S AMENDMENT
OFFERED BY MR. MARKEY**

(Page & line nos. refer to Chairman's Mark of June 17, 2003)

At the end of subtitle A of title VII (page 226, after line 29) insert the following new section:

1 DEMO LASTS
2 YEARS

1 DEMO STARTS
6 MONTHS
AFTER DATE
OF ENACTMENT

3 15,000
PEOPLE
CAN
PARTICIPATE

4 HHS REPORTS
TO CONGRESS
WITHIN 1
YEAR OF
DEMO'S
COMPLETION

1 **SEC. 704. DEMONSTRATION PROJECT TO CLARIFY THE**
2 **DEFINITION OF HOMEBOUND.** 180 (6 MONTHS)
3 (a) DEMONSTRATION PROJECT.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary shall
5 conduct a ~~demonstration~~ ^{two year} project under part B of title XVIII
6 of the Social Security Act under which medicare beneficiaries
7 with chronic conditions described in subsection (b) are deemed
8 to be homebound for purposes of receiving home health services
9 under the medicare program.
10 (b) MEDICARE BENEFICIARY DESCRIBED.—For purposes
11 of subsection (a), a medicare beneficiary is eligible to be
12 deemed to be homebound, without regard to the purpose, fre-
13 quency, or duration of absences from the home, if the
14 beneficiary—
15 (1) has been certified by one physician as an indi-
16 vidual who has a permanent and severe condition that will
17 not improve;
18 (2) requires the individual to receive assistance from
19 another individual with at least 3 out of the 5 activities of
20 daily living for the rest of the individual's life;
21 (3) requires 1 or more home health services to achieve
22 a functional condition that gives the individual the ability
23 to leave home; and
24 (4) requires technological assistance or the assistance
25 of another person to leave the home.
26 (c) DEMONSTRATION PROJECT SITES.—The demonstra-
27 tion project established under this section shall be conducted in

1 3 States selected by the Secretary to represent the Northeast,
2 Midwest, and Western regions of the United States.

3 (d) LIMITATION ON NUMBER OF PARTICIPANTS.—The ag-
4 gregate number of such beneficiaries that may participate in
5 the project may not exceed 25,000.

15,000

6 (e) DATA.—The Secretary shall collect such data on the
7 demonstration project with respect to the provision of home
8 health services to medicare beneficiaries that relates to quality
9 of care, patient outcomes, and additional costs, if any, to the
10 medicare program.

11 (f) REPORTS TO CONGRESS.—(1) Not later than 1 year
12 after the ~~date of the implementation~~^{completion} of the demonstration
13 project under this section, the Secretary shall submit to Con-
14 gress an initial report on the project using the data collected
15 under subsection (e) and shall include—

16 (A) an examination of whether the provision of home
17 health services to medicare beneficiaries under the
18 project—

19 (i) adversely effects the provision of home health
20 services under the medicare program; or

21 (ii) directly causes an unreasonable increase of expend-
22 itures under the medicare program for the provision of
23 such services that is directly attributable to such clarifica-
24 tion;

25 (B) the specific data evidencing the amount of any in-
26 crease in expenditures that is a directly attributable to the
27 demonstration project (expressed both in absolute dollar
28 terms and as a percentage) above expenditures that would
29 otherwise have been incurred for home health services
30 under the medicare program; and

31 (C) specific recommendations to exempt permanently
32 and severely disabled homebound beneficiaries from restric-
33 tions on the length, frequency and purpose of their ab-
34 sences from the home to qualify for home health services
35 without incurring additional unreasonable costs to the
36 medicare program.

1 ~~(2) Not later than 1 year after the date of submittal of~~
2 ~~the report under paragraph (1), the Secretary shall submit to~~
3 ~~Congress an additional report on the project using the data col-~~
4 ~~lected under subsection (e) on the matters referred to in para-~~
5 ~~graph (1).~~

6 (g) WAIVER AUTHORITY.—The Secretary shall waive com-
7 pliance with the requirements of title XVIII of the Social Secu-
8 rity Act (42 U.S.C. 1395 et seq.) to such extent and for such
9 period as the Secretary determines is necessary to conduct
10 demonstration projects.

11 (h) CONSTRUCTION.—Nothing in this section shall be con-
12 strued as waiving any applicable civil monetary penalty, crimi-
13 nal penalty, or other remedy available to the Secretary under
14 title XI or title XVIII of the Social Security Act for acts pro-
15 hibited under such titles, including penalties for false certifi-
16 cations for purposes of receipt of items or services under the
17 medicare program.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—Payments for
19 the costs of carrying out the demonstration project under this
20 section shall be made from the Federal Supplementary Insur-
21 ance Trust Fund under section 1841 of such Act (42 U.S.C.
22 1395t).

23 (j) DEFINITIONS.—In this section:

24 (1) MEDICARE BENEFICIARY.—The term “medicare
25 beneficiary” means an individual who is enrolled under part
26 B of title XVIII of the Social Security Act.

27 (2) HOME HEALTH SERVICES.—The term “home
28 health services” has the meaning given such term in section
29 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).

30 (3) ACTIVITIES OF DAILY LIVING DEFINED.—The
31 term “activities of daily living” means eating, toileting,
32 transferring, bathing, and dressing.

33 (4) SECRETARY.—The term “Secretary” means the
34 Secretary of Health and Human Services.