

112TH CONGRESS
1ST SESSION

H. R. 3442

To amend title XVIII of the Social Security Act with respect to payment for partial hospitalization services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2011

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act with respect to payment for partial hospitalization 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 “Partial Hospitalization
5 Stabilization and Integrity Act of 2011”.

1 **SEC. 2. MEDICARE PAYMENT FOR PARTIAL HOSPITALIZA-**
2 **TION SERVICES.**

3 (a) ESTABLISHMENT OF NEW PAYMENT METHOD-
4 OLOGY.—Section 1833 of the Social Security Act (42
5 U.S.C. 1395l) is amended—

6 (1) in subsection (a)(2)—

7 (A) in subparagraph (B), by striking “or
8 (E)” and inserting “(E), or (I)”;

9 (B) in subparagraph (G), by striking
10 “and” at the end;

11 (C) in subparagraph (H), by striking the
12 comma at the end and inserting “; and”; and

13 (D) by inserting after subparagraph (H)
14 the following new subparagraph:

15 “(I) with respect to partial hospitalization
16 services, the amount determined under sub-
17 section (z);”;

18 (2) in subsection (t)(2)(B)—

19 (A) in clause (iii), by striking “but”;

20 (B) in clause (iv), by striking the period at
21 the end and inserting “; and”; and

22 (C) by adding at the end the following new
23 clause:

24 “(v) does not include partial hos-
25 pitalization services.”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(z) PAYMENT FOR PARTIAL HOSPITALIZATION
4 SERVICES.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish consistent with this subsection a payment sys-
7 tem for partial hospitalization services. Such pay-
8 ment system shall be designed to provide for the
9 same payment rates without regard to whether the
10 services are furnished by a hospital or by a commu-
11 nity mental health center, to minimize annual fluc-
12 tuations in overall rates, and to result in an aggre-
13 gate amount of payment under this part for such
14 services during the first 5 years in which this sub-
15 section is effective equal to the aggregate amount of
16 payment that would have been made under this part
17 for such services during such period if the Partial
18 Hospitalization Stabilization and Integrity Act of
19 2011 had not been enacted.

20 “(2) DESCRIPTION OF SYSTEM.—Under such
21 payment system—

22 “(A) payments shall be made based on a
23 per diem rate (computed consistent with sub-
24 paragraph (B)) and subject to an annual in-

1 crease (consistent with subparagraphs (C) and
2 (D) and paragraph (1));

3 “(B) the base per diem rate for services
4 furnished in 2011 under this subparagraph
5 shall be deemed to be \$238.33 for partial hos-
6 pitalization services (including mental health
7 services composite), \$82.73 with respect to brief
8 individual psychotherapy, \$113.05 for extended
9 individual psychotherapy, \$128.82 for extended
10 individual psychotherapy, and \$54.87 for group
11 psychotherapy;

12 “(C) the annual adjustment under this
13 subparagraph shall be, subject to subparagraph
14 (D) and paragraph (1), a uniform inflation fac-
15 tor, such as the consumer price index for all
16 urban consumers, to be specified by the Sec-
17 retary;

18 “(D) such annual adjustment—

19 “(i) if an increase, shall be—

20 “(I) provided in full only for
21 those providers of partial hospitaliza-
22 tion services that meet performance
23 standards specified by the Secretary
24 consistent with the quality service cri-

1 teria established under paragraph (3)
2 and paragraph (4); and

3 “**(II)** reduced for those providers
4 of such services that fail to meet such
5 performance standards; and

6 “(ii) if a decrease, shall be—

7 “**(I)** provided in full for those
8 providers of such services that fail to
9 meet such standards; and

10 “**(II)** reduced for those providers
11 of such services that meet such stand-
12 ards; and

13 “**(E)** payment shall not be made for partial
14 hospitalization services with a level of care of
15 fewer than 4 services per service day.

16 “**(3)** ESTABLISHMENT OF QUALITY SERVICE
17 CRITERIA TO JUDGE PERFORMANCE.—In order to
18 carry out paragraph (2)(D), the Secretary shall es-
19 tablish criteria to measure performance of providers
20 of partial hospitalization services. Such criteria shall
21 include criteria relating to at least the following:

22 “**(A)** ACCESS.—The number of program
23 days of scheduled operation from the time of a
24 request for services to the first scheduled day of
25 service.

1 “(B) TREATMENT INTENSITY.—The per-
2 centage of scheduled attendance consistent with
3 a minimum attendance average of 4 days per
4 calendar week over an episode of care.

5 “(C) DISCHARGE PLANNING.—The per-
6 centage of patients with a scheduled follow-up
7 appointment within 14 days after the date of
8 discharge (as needed).

9 “(D) CONTINUITY OF CARE.—The percent-
10 age of post-discharge continuity of care plans
11 provided to next level of care providers upon
12 discharge.

13 “(4) REQUIREMENT FOR ACCREDITATION.—Ef-
14 fective 2 years after the date of the enactment of
15 this subsection, a provider of partial hospitalization
16 services shall not be considered to meet performance
17 standards under paragraph (2)(D) unless the pro-
18 vider is accredited by the Joint Commission on Ac-
19 creditation of Healthcare Organizations, the Com-
20 mission on Accreditation of Rehabilitation Facilities,
21 or such other accreditation body as may be recog-
22 nized by the Secretary.”.

23 (b) CONFORMING COVERAGE OF MENTAL HEALTH
24 SERVICES COMPOSITE FURNISHED BY COMMUNITY MEN-
25 TAL HEALTH CENTERS.—Under section 1861(ff)(2)(I) of

1 the Social Security Act (42 U.S.C. 1395x(ff)(2)(I)), the
2 Secretary of Health and Human Services shall include
3 such items and services as would result in the same scope
4 of items and services covered under partial hospitalization
5 services if furnished by a community mental health center
6 as would be covered as partial hospitalization services if
7 furnished by a hospital.

8 (c) EFFECTIVE DATE.—This section, and the amend-
9 ments made by this section, shall apply to services fur-
10 nished on or after January 1, 2012.

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