

114TH CONGRESS  
1ST SESSION

# H. R. 4212

To establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2015

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. MEEHAN, Mr. SCHRAMMER, and Mr. LANCE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

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## A BILL

To establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries, and for other purposes.

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 “Community-Based  
5 Independence for Seniors Act of 2015”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Community-based services play an essential  
4 role in keeping individuals healthy.

5 (2) Without community-based long-term serv-  
6 ices and supports, which are not typically covered by  
7 Medicare, seniors frequently experience negative  
8 health outcomes and lose their ability to live inde-  
9 pendently.

10 (3) Seniors who deplete their resources often  
11 have no option but to turn to Medicaid for coverage  
12 of long-term care expenses.

13 (4) Targeting community-based services and  
14 supports to at-risk seniors can help these individuals  
15 avoid depleting their assets and becoming Medicaid  
16 dependent.

17 **SEC. 3. COMMUNITY-BASED INSTITUTIONAL SPECIAL**  
18 **NEEDS PLAN DEMONSTRATION.**

19 Part C of title XVIII of the Social Security Act is  
20 amended by inserting after section 1859 (42 U.S.C.  
21 1395w–28) the following new section:

22 **“SEC. 1859A. COMMUNITY-BASED INSTITUTIONAL SPECIAL**  
23 **NEEDS PLAN DEMONSTRATION.**

24 **“(a) ESTABLISHMENT.—**

25 **“(1) IN GENERAL.—**The Secretary shall estab-  
26 lish a Community-Based Institutional Special Needs

1 Plan demonstration program (in this section referred  
2 to as the ‘CBI–SNP demonstration program’) to  
3 provide home and community-based care to eligible  
4 Medicare beneficiaries.

5 “(2) AGREEMENTS.—The Secretary shall enter  
6 into agreements with eligible MA organizations  
7 under which such organizations shall offer eligible  
8 MA plans under the CBI–SNP demonstration pro-  
9 gram to eligible Medicare beneficiaries.

10 “(3) LIMITATION ON NUMBER OF PLANS.—The  
11 CBI–SNP demonstration program shall be carried  
12 out with respect to not greater than five MA plans.

13 “(4) ELIGIBLE MA PLANS DEFINED.—For pur-  
14 poses of this section, the term ‘eligible MA plan’  
15 means a plan that, in addition to items and services  
16 for which coverage is otherwise provided under this  
17 part (including benefits under section 1852(a)(3)  
18 and notwithstanding any waivers under section  
19 1915(e)), provides for coverage of long-term care  
20 services and supports that the Secretary determines  
21 appropriate for the purposes of the CBI–SNP dem-  
22 onstration program, such as—

23 “(A) homemaker services;

24 “(B) home delivered meals;

25 “(C) transportation services;

1 “(D) respite care;

2 “(E) adult day care services; and

3 “(F) safety and other equipment not other-  
4 wise covered under this title.

5 “(b) ELIGIBLE MA ORGANIZATIONS.—For purposes  
6 of this section, the term ‘eligible MA organization’ means  
7 an MA organization that—

8 “(1) has experience in offering specialized MA  
9 plans for special needs individuals, as defined in sec-  
10 tion 1859(b)(6)(A), to individuals who live in the  
11 community in which the eligible MA plan is offered;

12 “(2) has experience working with low-income  
13 seniors groups;

14 “(3) is located in a State that the Secretary has  
15 determined is able to participate in the CBI–SNP  
16 demonstration program by agreeing to make avail-  
17 able data necessary for purposes of conducting the  
18 independent evaluation required under subsection  
19 (h); and

20 “(4) meets such other criteria as the Secretary  
21 may require.

22 “(c) ELIGIBLE MEDICARE BENEFICIARY DE-  
23 FINED.—In this section, the term ‘eligible Medicare bene-  
24 ficiary’ means a Medicare beneficiary who—

1           “(1) is eligible to enroll in an eligible MA plan  
2           under the CBI–SNP demonstration program;

3           “(2) is a subsidy eligible individual (as defined  
4           in section 1860D–14(a)(3)(A));

5           “(3) is not eligible to receive benefits under title  
6           XIX;

7           “(4) is unable to perform 2 or more activities  
8           of daily living (as defined in section 7702B(c)(2)(B)  
9           of the Internal Revenue Code of 1986); and

10          “(5) is age 65 or older.

11          “(d) PAYMENTS.—The Secretary shall establish pay-  
12          ment rates for eligible MA organizations offering eligible  
13          MA plans under the CBI–SNP demonstration program for  
14          benefits covered under such program (and not otherwise  
15          covered under part C) and provided to eligible Medicare  
16          beneficiaries under such plans. Such payment rates  
17          shall—

18                 “(1) be based upon payment rates established  
19                 for purposes of payment under section 1853;

20                 “(2) be in addition to payments otherwise made  
21                 to such organization with respect to such plans  
22                 under part C;

23                 “(3) be adjusted to reflect the costs of treating  
24                 eligible Medicare beneficiaries under this section;  
25                 and

1           “(4) not, with respect to a month in which an  
2           eligible MA organization provides home and commu-  
3           nity-based care to eligible Medicare beneficiaries  
4           under such demonstration program, exceed an  
5           amount for such month that is equal to the amount  
6           that would be awarded to such organization if the  
7           organization were to receive \$400 with respect to  
8           each such beneficiary that the organization provides  
9           with such care during such month.

10          “(e) SPECIAL ELECTION PERIOD.—Notwithstanding  
11          sections 1852(e)(2)(C) and 1860D–1(b)(1)(B)(iii), an eli-  
12          gible Medicare beneficiary may, other than during the an-  
13          nual, coordinated election periods under such sections—

14                 “(1) discontinue enrollment in an MA plan not  
15                 participating in the CBI–SNP demonstration pro-  
16                 gram and enroll in an MA plan participating in such  
17                 program; and

18                 “(2) discontinue enrollment under the original  
19                 medicare fee-for-service program under parts A and  
20                 B and the enrollment in a prescription drug plan  
21                 under part D and enroll in an MA plan participating  
22                 in the CBI–SNP demonstration program.

23          “(f) BENEFICIARY EDUCATION.—The Secretary shall  
24          help to educate, through State Health Insurance Assist-  
25          ance Programs and other organizations that assist seniors

1 with respect to benefits and enrollment under this title,  
2 eligible Medicare beneficiaries on the availability of the  
3 CBI–SNP demonstration program.

4 “(g) IMPLEMENTATION.—

5 “(1) DEADLINE.—The CBI–SNP demonstra-  
6 tion program shall be implemented not later than  
7 January 1 of the second year beginning after the  
8 date of the enactment of this section.

9 “(2) DURATION.—Subject to paragraph (3), the  
10 CBI–SNP demonstration program shall be con-  
11 ducted for a period of five years.

12 “(3) EXTENSION OR EXPANSION.—Taking into  
13 account the report under subsection (h)(2), the Sec-  
14 retary may, through rulemaking, expand (including  
15 implementation on a nationwide or permanent basis)  
16 the duration or the scope CBI–SNP demonstration  
17 program to the extent determined appropriate by the  
18 Secretary, unless the Secretary determines that such  
19 expansion is expected to—

20 “(A) increase aggregate expenditures  
21 under this title and title XIX with respect to el-  
22 igible Medicare beneficiaries participating in the  
23 CBI–SNP demonstration program; or

24 “(B) decrease the quality of health care  
25 services furnished to eligible Medicare bene-

1           beneficiaries participating in the CBI–SNP dem-  
2           onstration program.

3           “(h) INDEPENDENT EVALUATION AND REPORTS.—

4           “(1) INDEPENDENT EVALUATION.—

5           “(A) IN GENERAL.—The Secretary shall  
6           provide for the evaluation of the CBI–SNP  
7           demonstration program by an independent third  
8           party.

9           “(B) EVALUATION OBJECTIVES.—Such  
10          evaluation shall determine the extent to which  
11          the CBI–SNP demonstration program has re-  
12          sulted in—

13                 “(i) improved patient care;

14                 “(ii) reduced hospitalizations or rehos-  
15                 pitalizations;

16                 “(iii) reduced or delayed nursing facil-  
17                 ity admissions and lengths of stay under  
18                 title XIX;

19                 “(iv) reduced spend down of income  
20                 and assets for purposes of becoming eligi-  
21                 ble for medical assistance under a State  
22                 plan under title XIX;

23                 “(v) improved quality of life for the  
24                 eligible Medicare beneficiaries enrolled in



1 an eligible MA plan participating in the  
2 CBI–SNP demonstration program; and

3 “(vi) improved caregiver satisfaction.

4 “(C) EVALUATION PROCESS.—Such eval-  
5 uation shall be completed in accordance with  
6 the following process:

7 “(i) The Secretary shall, prior to the  
8 implementation of such program, establish  
9 goals for such program with respect to the  
10 evaluation objectives described in subpara-  
11 graph (B) and criteria for measuring the  
12 extent to which an eligible MA plan par-  
13 ticipating in the CBI–SNP demonstration  
14 program meets such goals.

15 “(ii) The Secretary shall implement  
16 clear data collection and reporting require-  
17 ments for such eligible MA plans in order  
18 to carry out such evaluation.

19 In carrying out such process, the Secretary  
20 shall recognize that definitions, benefits, and  
21 program requirements for long-term care serv-  
22 ices and supports vary across States.

23 “(2) REPORTS.—Not later than four years after  
24 the implementation of the CBI–SNP demonstration  
25 program, the Secretary shall submit to Congress a

1 report containing the results of the evaluation con-  
2 ducted under paragraph (1), together with such rec-  
3 ommendations for legislative or administrative action  
4 as the Secretary determines appropriate. In pre-  
5 paring such report, the Secretary shall use at least  
6 three years worth of data under the demonstration  
7 program.

8 “(i) BUDGET NEUTRALITY.—For any year after the  
9 third year of the CBI–SNP demonstration program, the  
10 Secretary shall ensure that the aggregate payments made  
11 under this title and title XIX, including under the dem-  
12 onstration program, do not exceed the amount which the  
13 Secretary estimates would have been expended under such  
14 titles during such year if the CBI–SNP demonstration  
15 program had not been implemented.

16 “(j) PAPERWORK REDUCTION ACT.—Chapter 35 of  
17 title 44, United States Code, shall not apply to the testing  
18 and evaluation of the CBI–SNP demonstration program.”.

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