

116TH CONGRESS
1ST SESSION

S. 753

To amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Mr. BROWN (for himself, Mr. WHITEHOUSE, Mrs. CAPITO, Ms. COLLINS, Mr. KING, Mrs. SHAHEEN, Mr. REED, Mr. LEAHY, Mr. BLUMENTHAL, Mr. COONS, Ms. HASSAN, Ms. HARRIS, Mr. PETERS, Ms. KLOBUCHAR, Mr. CARDIN, Ms. SMITH, Mr. MARKEY, Ms. STABENOW, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

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 “Improving Access to
5 Medicare Coverage Act of 2019”.

1 **SEC. 2. COUNTING A PERIOD OF RECEIPT OF OUTPATIENT**
 2 **OBSERVATION SERVICES IN A HOSPITAL TO-**
 3 **WARD THE 3-DAY INPATIENT HOSPITAL RE-**
 4 **QUIREMENT FOR COVERAGE OF SKILLED**
 5 **NURSING FACILITY SERVICES UNDER MEDI-**
 6 **CARE.**

7 (a) IN GENERAL.—Section 1861(i) of the Social Se-
 8 curity Act (42 U.S.C. 1395x(i)) is amended by adding at
 9 the end the following: “For purposes of this subsection,
 10 an individual receiving outpatient observation services
 11 shall be deemed to be an inpatient during such period,
 12 and the date such individual ceases receiving such services
 13 shall be deemed the hospital discharge date (unless such
 14 individual is admitted as a hospital inpatient at the end
 15 of such period).”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 subsection (a) shall apply to receipt of outpatient observa-
 18 tion services beginning on or after January 1, 2019, but
 19 applies to a period of post-hospital extended care services
 20 that was completed before the date of the enactment of
 21 this Act only if an administrative appeal is or has been
 22 made with respect to such services not later than 90 days
 23 after the date of the enactment of this Act. Notwith-
 24 standing any other provision of law, the Secretary of
 25 Health and Human Services may implement such amend-

- 1 ment through an interim final regulation, program in-
- 2 struction, or otherwise.

