

116TH CONGRESS
1ST SESSION

H. R. 3461

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2019

Ms. SÁNCHEZ (for herself, Mr. KELLY of Pennsylvania, and Mr. SCHRADER) 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

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 2019”.

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) LIMITATIONS ON SCOPE OF DEMONSTRA-
11 TION PROGRAM.—

12 “(A) NUMBER OF PLANS.—The CBI–SNP
13 demonstration program shall be carried out
14 with respect to not greater than five MA plans.

15 “(B) NUMBER OF ENROLLEES PER
16 PLAN.—An eligible MA organization that enters
17 into an agreement with the Secretary under
18 paragraph (2) to offer an eligible MA plan
19 under the CBI–SNP demonstration program
20 may not enroll more than 1,000 eligible Medi-
21 care beneficiaries (including new enrollees) in
22 such plan.

23 “(4) ELIGIBLE MA PLANS DEFINED.—For pur-
24 poses of this section, the term ‘eligible MA plan’
25 means a plan that, in addition to items and services

1 for which coverage is otherwise provided under this
2 part (including benefits under section 1852(a)(3)
3 and notwithstanding any waivers under section
4 1915(e)), provides for coverage of long-term care
5 services and supports that the Secretary determines
6 appropriate for the purposes of the CBI-SNP dem-
7 onstration program, such as—

8 “(A) homemaker services;

9 “(B) home delivered meals;

10 “(C) transportation services;

11 “(D) respite care;

12 “(E) adult day care services; and

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

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

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

22 “(2) has experience working with low income
23 seniors groups;

24 “(3) is located in a State that the Secretary has
25 determined is able to participate in the CBI-SNP

1 demonstration program by agreeing to make avail-
2 able data necessary for purposes of conducting the
3 independent evaluation required under subsection
4 (h); and

5 “(4) meets such other criteria as the Secretary
6 may require.

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

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

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

14 “(3) is not eligible to receive benefits under title
15 XIX;

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

19 “(5) is age 65 or older.

20 “(d) PAYMENTS.—The Secretary shall establish pay-
21 ment rates for eligible MA organizations offering eligible
22 MA plans under the CBI–SNP demonstration program for
23 benefits covered under such program (and not otherwise
24 covered under part C) and provided to eligible Medicare

1 beneficiaries under such plans. Such payment rates
2 shall—

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

5 “(2) be in addition to payments otherwise made
6 to such organization with respect to such plans
7 under part C;

8 “(3) be adjusted to reflect the costs of treating
9 eligible Medicare beneficiaries under this section;
10 and

11 “(4) not, with respect to a month in which an
12 eligible MA organization provides home and commu-
13 nity-based care to eligible Medicare beneficiaries
14 under such demonstration program, exceed an
15 amount for such month that is equal to the amount
16 that would be awarded to such organization if the
17 organization were to receive \$400 with respect to
18 each such beneficiary that the organization provides
19 with such care during such month.

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

24 “(1) discontinue enrollment in an MA plan not
25 participating in the CBI–SNP demonstration pro-

1 gram and enroll in an MA plan participating in such
2 program; and

3 “(2) discontinue enrollment under the original
4 Medicare fee-for-service program under parts A and
5 B and the enrollment in a prescription drug plan
6 under part D and enroll in an MA plan participating
7 in the CBI–SNP demonstration program.

8 “(f) BENEFICIARY EDUCATION.—The Secretary shall
9 help to educate, through State Health Insurance Assist-
10 ance Programs and other organizations that assist seniors
11 with respect to benefits and enrollment under this title,
12 eligible Medicare beneficiaries on the availability of the
13 CBI–SNP demonstration program.

14 “(g) IMPLEMENTATION.—

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

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

22 “(3) EXTENSION OR EXPANSION.—Taking into
23 account the report under subsection (h)(2), the Sec-
24 retary may, through notice and comment rule-
25 making, expand the duration, scope, or both the du-

1 ration and scope of the CBI–SNP demonstration
 2 program (including implementation on a nationwide
 3 or permanent basis or both), other than under the
 4 original Medicare fee-for-service program under
 5 parts A and B of such title, to the extent determined
 6 appropriate by the Secretary, unless the Secretary
 7 determines that such expansion is expected to—

8 “(A) increase aggregate expenditures
 9 under this title and title XIX with respect to el-
 10 igible Medicare beneficiaries participating in the
 11 CBI–SNP demonstration program; or

12 “(B) decrease the quality of health care
 13 services furnished to eligible Medicare bene-
 14 ficiaries participating in the CBI–SNP dem-
 15 onstration program.

16 “(h) INDEPENDENT EVALUATION AND REPORTS.—

17 “(1) INDEPENDENT EVALUATION.—

18 “(A) IN GENERAL.—The Secretary shall
 19 provide for the evaluation of the CBI–SNP
 20 demonstration program by an independent third
 21 party.

22 “(B) EVALUATION OBJECTIVES.—Such
 23 evaluation shall determine the extent to which
 24 the CBI–SNP demonstration program has re-
 25 sulted in—

1 “(i) improved patient care;

2 “(ii) reduced hospitalizations or rehos-
3 pitalizations;

4 “(iii) reduced or delayed nursing facil-
5 ity admissions and lengths of stay under
6 title XIX;

7 “(iv) reduced spend down of income
8 and assets for purposes of becoming eligi-
9 ble for medical assistance under a State
10 plan under title XIX;

11 “(v) improved quality of life for the
12 eligible Medicare beneficiaries enrolled in
13 an eligible MA plan participating in the
14 CBI–SNP demonstration program; and

15 “(vi) improved caregiver satisfaction.

16 “(C) EVALUATION PROCESS.—Such eval-
17 uation shall be completed in accordance with
18 the following process:

19 “(i) The Secretary shall, prior to the
20 implementation of such program, establish
21 goals for such program with respect to the
22 evaluation objectives described in subpara-
23 graph (B) and criteria for measuring the
24 extent to which an eligible MA plan par-

1 ticipating in the CBI–SNP demonstration
2 program meets such goals.

3 “(ii) The Secretary shall implement
4 clear data collection and reporting require-
5 ments for such eligible MA plans in order
6 to carry out such evaluation.

7 In carrying out such process, the Secretary
8 shall recognize that definitions, benefits, and
9 program requirements for long-term care serv-
10 ices and supports vary across States.

11 “(2) REPORTS.—Not later than four years after
12 the implementation of the CBI–SNP demonstration
13 program, the Secretary shall submit to Congress a
14 report containing the results of the evaluation con-
15 ducted under paragraph (1), together with such rec-
16 ommendations for legislative or administrative action
17 as the Secretary determines appropriate. In pre-
18 paring such report, the Secretary shall use at least
19 three years worth of data under the demonstration
20 program.

21 “(i) BUDGET NEUTRALITY.—For any year after the
22 third year of the CBI–SNP demonstration program, the
23 Secretary shall ensure that the aggregate payments made
24 under this title and title XIX, including under the dem-
25 onstration program, do not exceed the amount which the

1 Secretary estimates would have been expended under such
2 titles during such year if the CBI–SNP demonstration
3 program had not been implemented.

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

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