

[DISCUSSION DRAFT]

118TH CONGRESS
2^D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to adjust the hospice program survey and enforcement procedures under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Ms. VAN DUYNE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to adjust the hospice program survey and enforcement procedures 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 “[_____] Act of
5 2024”.

1 **SEC. 2. ADJUSTING HOSPICE PROGRAM SURVEY AND EN-**
2 **FORCEMENT PROCEDURES UNDER THE**
3 **MEDICARE PROGRAM.**

4 (a) SPECIAL FOCUS PROGRAM.—Section 1822(b) of
5 the Social Security Act (42 U.S.C. 1395i–6(b)) is amend-
6 ed—

7 (1) in paragraph (1), by striking “applicable re-
8 quirements of this Act” and inserting “both the re-
9 quirements specified in section 1861(dd) and the re-
10 quirements specified in section 1814(i)(5)(C)”; and

11 (2) by adding at the end the following new
12 paragraphs:

13 “(3) CLARIFICATION.—For purposes of such
14 special focus program, the Secretary may not iden-
15 tify a hospice program as having substantially failed
16 to meet the requirements described in paragraph (1)
17 unless a State or local survey agency, or an ap-
18 proved accreditation agency, has, during the most
19 recent 36-month period specified in subsection
20 (a)(1), conducted at least 1 survey under such sub-
21 section with respect to such hospice program and
22 submitted information regarding such survey to the
23 Secretary pursuant to such subsection.

24 “(4) DATA AND ALGORITHM TRANSPARENCY.—

25 “(A) IN GENERAL.—Subject to subpara-
26 graph (B), in carrying out such special focus

1 program, the Secretary shall make publicly
2 available on the Internet website of the Centers
3 for Medicare & Medicaid Services the data used
4 in determining the eligibility of a hospice pro-
5 gram for such special focus program, and the
6 algorithm used to select such eligible hospice
7 programs for such special focus program.

8 “(B) DELAYED PUBLIC IDENTIFICATION
9 OF ELIGIBLE AND SELECTED HOSPICES.—Not-
10 withstanding subparagraph (A), prior to Janu-
11 ary 1, 2027, the Secretary may not publicly
12 identify a hospice program that is—

13 “(i) identified as having substantially
14 failed to meet the requirements described
15 in paragraph (1); or

16 “(ii) selected for such special focus
17 program.”.

18 (b) INCREASING PAYMENT REDUCTIONS FOR FAIL-
19 URE TO MEET QUALITY DATA REPORTING REQUIRE-
20 MENTS.—Section 1814(i)(5)(A)(i) of the Social Security
21 Act (42 U.S.C. 1395f(i)(5)(A)(i)) is amended by striking
22 “by 2 percentage points (or, for fiscal year 2024 and each
23 subsequent fiscal year, 4 percentage points).” and insert-
24 ing “by—

1 “(I) for fiscal years 2014
2 through 2023, 2 percentage points;

3 “(II) for fiscal years 2024
4 through 2026, 4 percentage points;

5 and

6 “(III) for fiscal year 2027 and
7 each subsequent fiscal year, 10 per-
8 centage points.”.

9 (c) INCREASING PUBLIC AWARENESS OF FAILURE TO
10 MEET QUALITY DATA REPORTING REQUIREMENTS.—
11 Section 1814(i)(5)(E) of the Social Security Act (42
12 U.S.C. 1395f(i)(5)(E)) is amended by inserting “the fail-
13 ure of a hospice program to submit such data under sub-
14 paragraph (C) and” after “The Secretary shall report”.