

110TH CONGRESS  
2D SESSION

# S. 2727

To amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 2008

Mr. INHOFE (for himself, Mr. COCHRAN, Mr. WICKER, Mr. SHELBY, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare program, 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 “Preserving Access to  
5 Hospice (PATH) Act of 2008”.

1 **SEC. 2. TEMPORARY MORATORIUM OF ENFORCEMENT OF**  
2 **HOSPICE CAP AMOUNT.**

3 Section 1814(i)(2) of the Social Security Act (42  
4 U.S.C. 1395f(i)(2)) is amended—

5 (1) in subparagraph (A), by striking “The  
6 amount” and inserting “Subject to subparagraph  
7 (E), the amount”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(E) During the period beginning on No-  
11 vember 1, 2005 and ending on October 31,  
12 2008, the payment limitation under subpara-  
13 graph (A) shall not apply with respect to hos-  
14 pice care provided by (or under arrangements  
15 made by) a hospice program during such pe-  
16 riod. In the case where a hospice program has  
17 made any payments to the program under this  
18 part as of the date of enactment of this sub-  
19 paragraph that were not required to be made as  
20 a result of the preceding sentence, the Sec-  
21 retary shall not be required to reimburse the  
22 hospice program for the amount of such pay-  
23 ments.”.

24 **SEC. 3. MEDPAC STUDY AND REPORT ON HOSPICE CARE.**

25 (a) STUDY.—The Medicare Payment Advisory Com-  
26 mission shall conduct a study on—

1           (1) the resource-effectiveness and quality of  
2 hospice care as a substitute benefit for other acute  
3 care alternatives under the Medicare program under  
4 title XVIII of the Social Security Act;

5           (2) the optimal median and average length of  
6 stay in hospice care under the Medicare program;

7           (3) the reasons for persistently low median and  
8 average length of stay in hospice care under the  
9 Medicare program, and regional variations in timely  
10 access to hospice care under such program; and

11           (4) the desirability of requiring a national cov-  
12 erage determination (as defined in section  
13 1869(f)(1)(B) of the Social Security Act (42 U.S.C.  
14 1395ff(f)(1)(B)) in determining eligibility for hos-  
15 pice care under the Medicare program.

16       (b) REPORT.—Not later than 12 months after the  
17 date of enactment of this Act, the Commission shall sub-  
18 mit a report on the study conducted under subsection (a),  
19 together with recommendations for such legislation or ad-  
20 ministrative action as the Commission determines appro-  
21 priate.

22       (c) HOSPICE CARE DEFINED.—In this section, the  
23 term “hospice care” has the meaning given such term in

- 1 section 1861(dd) of the Social Security Act (42 U.S.C.
- 2 1395x(dd)).

