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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.**

To amend title XVIII of the Social Security Act to establish a program to allow qualified group practices to furnish certain items and services at qualified skilled nursing facilities to individuals entitled to benefits under part A and enrolled under part B of the Medicare program to reduce unnecessary hospitalizations, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Nebraska introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act to establish a program to allow qualified group practices to furnish certain items and services at qualified skilled nursing facilities to individuals entitled to benefits under part A and enrolled under part B of the Medicare program to reduce unnecessary hospitalizations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Unnecessary  
3 Senior Hospitalizations (RUSH) Act of 2018”.

4 **SEC. 2. SNF-BASED PROVISION OF PREVENTIVE ACUTE**  
5 **CARE AND HOSPITALIZATION REDUCTION**  
6 **PROGRAM.**

7 Title XVIII of the Social Security Act is amended by  
8 adding at the end the following new section:

9 **“SEC. 1899C. SNF-BASED PROVISION OF PREVENTIVE**  
10 **ACUTE CARE AND HOSPITALIZATION REDUC-**  
11 **TION PROGRAM.**

12 “(a) **ESTABLISHMENT.**—There is established a pro-  
13 gram to be known as the ‘SNF-based Provision of Preven-  
14 tive Acute Care and Hospitalization Reduction Program’  
15 (in this section referred to as the ‘Program’), to be admin-  
16 istered by the Secretary, for purposes of reducing unneces-  
17 sary hospitalizations and emergency department visits by  
18 allowing qualified group practices (as defined in section  
19 1877(h)(4)) on or after January 1, 2019, to furnish items  
20 and services identified under subsection (b)(3) to individ-  
21 uals entitled to benefits under part A and enrolled under  
22 part B residing in qualified skilled nursing facilities.

23 “(b) **OPERATION OF PROGRAM.**—Under the Pro-  
24 gram, the Secretary shall provide for the following:

1           “(1) Certification of skilled nursing facilities as  
2 qualified skilled nursing facilities under subsection  
3 (c)(1).

4           “(2) Certification of group practices as quali-  
5 fied group practices under subsection (c)(2).

6           “(3) Identification of minimum required non-  
7 surgical items and services furnished at a hospital  
8 emergency department that may be safely furnished  
9 by a qualified group practice at a qualified skilled  
10 nursing facility under the Program and that such  
11 qualified group practice shall offer to furnish under  
12 the Program.

13           “(4) Annual identification of additional items  
14 and services furnished at a hospital emergency de-  
15 partment that may be safely furnished by a qualified  
16 group practice at a qualified skilled nursing facility  
17 under the Program during a year and that such  
18 qualified group practice may offer to furnish under  
19 the Program during such year.

20           “(5) Establishment of qualifications for non-  
21 physician employees of such qualified group prac-  
22 tices who may furnish such items and services at a  
23 qualified skilled nursing facility. Such qualifications  
24 shall include the requirement that such an em-  
25 ployee—

1           “(A) be certified in advanced cardio-  
2           vascular life support by a nationally recognized  
3           specialty board of certification or equivalent  
4           certification board; and

5           “(B) have at least one year of clinical ex-  
6           perience furnishing medical care—

7                   “(i) in a hospital emergency depart-  
8                   ment setting; or

9                   “(ii) as an employee of a provider or  
10                  supplier of ambulance services.

11           “(6) Payment under this title for items and  
12           services identified under paragraph (3) or (4) fur-  
13           nished by such qualified group practices at such a  
14           facility in amounts determined under subsection (d).

15           “(c) CERTIFICATIONS.—

16           “(1) QUALIFIED SKILLED NURSING FACILI-  
17           TIES.—For purposes of this section, the Secretary  
18           shall certify a skilled nursing facility as a qualified  
19           skilled nursing facility if the facility submits an ap-  
20           plication in a time and manner specified by the Sec-  
21           retary and meets the following requirements:

22                   “(A) The facility has on-site diagnostic  
23                   equipment necessary for a qualified group prac-  
24                   tice to furnish on-site items and services under

1 the Program and real-time audio and visual ca-  
2 pabilities.

3 “(B) The facility ensures that residents of  
4 such facility, upon entering such facility, are al-  
5 lowed to specify in an advanced care directive  
6 whether the resident wishes to receive items  
7 and services furnished at the facility under the  
8 Program in a case where communication with  
9 the resident is not possible.

10 “(C) The facility ensures that individuals  
11 to be furnished such items and services under  
12 the Program at such facility have the oppor-  
13 tunity, at their request, to instead be trans-  
14 ported to a hospital emergency department.

15 “(2) QUALIFIED GROUP PRACTICES.—For pur-  
16 poses of this section, the Secretary shall certify a  
17 group practice as a qualified group practice for a pe-  
18 riod of 3 years if the group practice submits an ap-  
19 plication in a time and manner specified by the Sec-  
20 retary and meets the following requirements:

21 “(A) The group practice offers to furnish  
22 all minimum required items and services identi-  
23 fied under subsection (b)(3) under the Pro-  
24 gram.

1           “(B) The group practice submits a notifi-  
2 cation to the Secretary annually specifying  
3 which (if any) additional items and services  
4 identified under subsection (b)(4) for a year the  
5 group practice will offer to furnish for such  
6 year under the Program.

7           “(C) The group practice ensures that only  
8 individuals who meet the qualifications estab-  
9 lished under subsection (b)(4) or a physician  
10 who is part of such group practice may furnish  
11 such minimum required items and services and  
12 such additional items and services.

13           “(D) The group practice ensures that at  
14 least 1 such individual or such physician is  
15 present at all times at each qualified skilled  
16 nursing facility where the group practice may  
17 furnish such minimum required items and serv-  
18 ices and such additional items and services.

19           “(E) The group practice ensures that, in  
20 the case where such minimum required items  
21 and services or such additional items and serv-  
22 ices are furnished by such an individual, such  
23 individual furnishes such minimum required  
24 items and services or additional items and serv-  
25 ices under the supervision, either in-person or

1 through the use of telehealth (not including  
2 store-and-forward technologies), of—

3 “(i) a physician—

4 “(I) who is board certified or  
5 board eligible in emergency medicine,  
6 family medicine, or internal medicine;  
7 or

8 “(II) who has been certified by a  
9 nationally recognized specialty board  
10 of certification or equivalent certifi-  
11 cation board in advanced cardiac life  
12 support and advanced trauma life  
13 support;

14 “(ii) a nurse practitioner who has  
15 been certified by a nationally recognized  
16 specialty board of certification or equiva-  
17 lent certification board in advanced cardiac  
18 life support and advanced trauma life sup-  
19 port; or

20 “(iii) a physician assistant who has  
21 been certified by a nationally recognized  
22 specialty board of certification or equiva-  
23 lent certification board in advanced cardiac  
24 life support and advanced trauma life sup-  
25 port.

1           “(F) With respect to any year in which the  
2           qualified group practice would participate in the  
3           Program, the Chief Actuary for the Centers for  
4           Medicare & Medicaid Services determines that  
5           such participation during such year will not re-  
6           sult in total estimated expenditures under this  
7           title for such year being greater than total esti-  
8           mated expenditures under such title for such  
9           year without such participation.

10       “(d) PAYMENTS.—

11           “(1) IN GENERAL.—For 2019 and each subse-  
12           quent year, the Secretary shall develop a schedule of  
13           payments to apply for items and services identified  
14           under paragraph (3) or paragraph (4) of subsection  
15           (b) furnished during such year by a qualified group  
16           practice under the Program. Such payments shall be  
17           in lieu of any other payments that may be made  
18           under this title for such items and services furnished  
19           under the Program.

20           “(2) SHARED SAVINGS.—In the case of a year  
21           for which the Secretary determines that a qualified  
22           group practice’s participation in the Program re-  
23           sulted in a reduction in expenditures under this title  
24           compared to what such expenditures would have



1       been without such participation, the Secretary  
2       shall—

3               “(A) pay to such qualified group practice  
4               an amount equal to 37.5 percent of the esti-  
5               mated amount of such reduction; and

6               “(B) pay to each qualified skilled nursing  
7               facility where such qualified group practice fur-  
8               nished items and services under the Program  
9               during such year an amount that bears the  
10              same ratio to 12.5 percent of the estimated  
11              amount of such reduction as the amount of ex-  
12              penditures under the Program for such items  
13              and services furnished with respect to individ-  
14              uals at such facility by such qualified group  
15              practice during such year bears to the total  
16              amount of expenditures under the Program for  
17              such items and services furnished with respect  
18              to all individuals by such qualified group prac-  
19              tice during such year.

20       “(e) EVALUATION.—

21               “(1) IN GENERAL.—With respect to a qualified  
22               group practice and a qualified skilled nursing facil-  
23               ity, not later than 6 months after such group prac-  
24               tice begins furnishing items and services under the  
25               Program (or, in the case of a qualified skilled nurs-

1       ing facility, not less than 6 months after a qualified  
2       group practice first furnishes such items and serv-  
3       ices at such facility), and not less than once every  
4       2 years thereafter, the Secretary shall evaluate such  
5       qualified group practice and such qualified facility  
6       using information received under paragraph (2) on  
7       such criteria as determined appropriate by the Sec-  
8       retary.

9           “(2) REPORTING OF INFORMATION.—In a time  
10       and manner specified by the Secretary, a qualified  
11       group practice and a qualified skilled nursing facility  
12       shall submit to the Secretary a report containing the  
13       following information with respect to items and serv-  
14       ices furnished under the Program during a reporting  
15       period (as specified by the Secretary):

16           “(A) The number of individuals with re-  
17       spect to whom such group practice furnished  
18       such items and services in such period (or, in  
19       the case of a qualified skilled nursing facility,  
20       the number of individuals with respect to whom  
21       such a group practice furnished such items and  
22       services at such facility in such period).

23           “(B) The number of such individuals who  
24       were admitted to a hospital or treated in the  
25       emergency department of a hospital within 24

1 hours of being furnished such items and serv-  
2 ices.

3 “(C) Other information determined appro-  
4 priate by the Secretary.

5 “(3) LOSS OF QUALIFIED CERTIFICATION.—

6 “(A) IN GENERAL.—Not later than 3  
7 months after a determination described in this  
8 sentence is made, the Secretary may revoke the  
9 certification of a qualified skilled nursing facil-  
10 ity or a qualified group practice made under  
11 subsection (c) if—

12 “(i) the Chief Actuary of the Centers  
13 for Medicare & Medicaid Services deter-  
14 mines that such skilled nursing facility’s or  
15 such group practice’s participation in the  
16 Program during a year resulted in total ex-  
17 penditures under this title for such period  
18 being greater than total expenditures  
19 under such title would have been during  
20 such period without such participation; or

21 “(ii) the Secretary determines that  
22 such skilled nursing facility or such group  
23 practice has failed to comply with a re-  
24 quirement specified in paragraph (1) or (2)  
25 of subsection (c), as applicable.

1           “(B) EXCLUSION FROM CERTIFICATION  
2           FOR 3-YEAR PERIOD.—In the case that the Sec-  
3           retary revokes the certification of a qualified  
4           skilled nursing facility or a qualified group  
5           practice under subparagraph (A), such skilled  
6           nursing facility or such group practice shall be  
7           ineligible for certification as a qualified skilled  
8           nursing facility or a qualified group practice (as  
9           applicable) under subsection (c) for a period of  
10          3 years beginning on the date of such revoca-  
11          tion.

12          “(f) DETERMINATION OF BUDGET NEUTRALITY;  
13          TERMINATION OF PROGRAM.—

14                 “(1) DETERMINATION.—Not later than July 1,  
15                 2024, the Chief Actuary of the Centers for Medicare  
16                 & Medicaid Services shall determine whether the  
17                 Program has resulted in an increase in total expend-  
18                 itures under this title with respect to the period be-  
19                 ginning on January 1, 2019, and ending on Decem-  
20                 ber 31, 2023, compared to what such expenditures  
21                 would have been during such period had the Pro-  
22                 gram not been in operation.

23                 “(2) TERMINATION.—If the Chief Actuary  
24                 makes a determination under paragraph (1) that the  
25                 Program has resulted in an increase in total expend-

1        itures under this title, the Secretary shall terminate  
2        the Program as of January 1 of the first year begin-  
3        ning after such determination.”.