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AMENDMENT TO HR. 3962  
OFFERED BY MR. HASTINGS OF FLORIDA

Base text: HR 3962 as introduced

Add at the end of title V of division C the following  
(and conform the table of contents in section 2001(a) ac-  
cordingly):

1 **Subtitle F—National Commission**  
2 **for Improving Long-term Care**  
3 **and Community Services**

4 **SEC. 2601. ESTABLISHMENT; POLICY RECOMMENDATIONS**  
5 **AND COMPREHENSIVE NATIONAL STRATEGY.**

6 (a) ESTABLISHMENT.—Not later than 90 days after  
7 the date of the enactment of this Act, the Secretary of  
8 Health and Human Services (in this subtitle referred to  
9 as the “Secretary”) shall establish a commission (in this  
10 subtitle referred to as the “Commission”) that is designed  
11 to construct a comprehensive national strategy (described  
12 in subsection (b)(2)) on how to increase the affordability,  
13 accessibility, and effectiveness of long-term care and com-  
14 munity services in the United States and United States  
15 Territories.

16 (b) POLICY RECOMMENDATIONS AND COMPREHEN-  
17 SIVE NATIONAL STRATEGY.—

1           (1) POLICY RECOMMENDATIONS.—The Commis-  
2           sion's policy recommendations under this subtitle  
3           must address economic, geographic, cultural, social,  
4           transportation, workforce, and other factors that  
5           limit access to quality home, community, and insti-  
6           tutional services that can result in the need for more  
7           costly and less effective care, compromise the finan-  
8           cial, mental, and physical well-being of caregivers,  
9           compromise the independence, mental health, phys-  
10          ical health and dignity of individuals, or result in the  
11          foregoing of needed services.

12          (2) COMPREHENSIVE NATIONAL STRATEGY.—  
13          The comprehensive national strategy described in  
14          this paragraph shall be developed not later than 2  
15          years after the date of the enactment of this Act and  
16          shall provide recommendations on how to—

17                 (A) facilitate and maintain necessary  
18                 changes in business practices, public policy,  
19                 care processes, and administrative systems to  
20                 support a consumer-oriented long-term care  
21                 system that delivers efficient, cost-effective, and  
22                 patient-centered care and services;

23                 (B) address issues of waste, fraud, and  
24                 abuse by providers, agencies, facilities, profes-  
25                 sional and paraprofessional staff, and others in-

1           involved in institutional, home, and community  
2           health settings by targeting chronically poor  
3           performing providers, decertifying persistently  
4           substandard providers, and monitoring institu-  
5           tional, home, and community entities to ensure  
6           compliance with State and Federal quality  
7           standards and criteria;

8           (C) make priorities of preventive health  
9           and the effective management of chronic dis-  
10          eases such as heart and respiratory disease, di-  
11          abetes, HIV/AIDS, stroke, and obesity, in order  
12          to prevent them from becoming permanently de-  
13          bilitating or disabling and help decrease future  
14          dependence on long-term care;

15          (D) establish and support existing and fu-  
16          ture evidence-based research efforts among  
17          States, government entities, organizations, and  
18          stakeholders that are designed to address gaps  
19          in data and knowledge about long-term care  
20          and the populations in need of these services,  
21          and provide information on the effectiveness  
22          and consequences of long-term care programs  
23          and policies;

24          (E) facilitate partnership and coordination  
25          among State and Federal health care entities to

1 improve working conditions, training, manage-  
2 ment, requirements, and competencies for long-  
3 term care workers (particularly home health  
4 aides and other paraprofessionals) to prevent  
5 turnover rates, staff shortages, patient abuse,  
6 and improve job skills, job satisfaction, and de-  
7 livery of care;

8 (F) identify and address flaws in reim-  
9 bursement policies for long-term care services  
10 through Medicare under title XVIII of the So-  
11 cial Security Act and Medicaid under title XIX  
12 of such Act, and decrease the reliance on out-  
13 of-pocket-spending for long-term care;

14 (G) improve access to affordable and safe  
15 housing and transportation options for persons  
16 requiring long-term care and community serv-  
17 ices;

18 (H) increase access to home and commu-  
19 nity based services through Medicaid to meet  
20 consumer demands and preferences and empha-  
21 size cost-effective non-institutional care alter-  
22 natives that provide satisfaction and high qual-  
23 ity care to all those requiring long-term care  
24 services;

1 (I) assist agencies and the private sector  
2 on effectively disseminating information to con-  
3 sumers about the various types of long-term  
4 care networks and options available to patients,  
5 educate consumers about the potential benefits  
6 and risks of certain long-care options, and in-  
7 form consumers about State-specific informa-  
8 tion regarding long-term care services;

9 (J) increase the use and affordability of  
10 long-term care insurance and other fiscally re-  
11 sponsible measures to finance long-term care  
12 services;

13 (K) sufficiently fund and support pro-  
14 grams, facilities, and initiatives that have prov-  
15 en to ameliorate the financial, physical, and  
16 mental stress on informal caregivers, and im-  
17 prove their ability to deliver services to individ-  
18 uals requiring long-term care; and

19 (L) sufficiently fund and support pro-  
20 grams, entities, and initiatives that have proven  
21 to help individuals achieve and maintain their  
22 highest possible level of independence, health,  
23 and function.

24 The comprehensive national strategy would include  
25 as available, pursuant to request by the Committee

1 to the Congressional Budget Office, an analysis of  
2 the costs and savings that would result from exe-  
3 cuting this comprehensive strategy on long-term care  
4 to the extent possible.

5 **SEC. 2602. MEMBERSHIP.**

6 (a) IN GENERAL.—The Commission shall be com-  
7 posed of 15 members who are appointed by the President  
8 and who are from federal agencies such as the Social Secu-  
9 rity Administration, Institute of Medicine, Health Care  
10 Financing Administration, Administration on Aging, Cen-  
11 ters for Disease Control, Centers for Medicare and Med-  
12 icaid Services, Health Resources Services Administration,  
13 and other national stakeholders.

14 (b) TERMS.—Each member shall be appointed for the  
15 life of the Commission.

16 (c) VACANCIES.—A vacancy in the Commission shall  
17 be filled in the manner in which the original appointment  
18 was made.

19 (d) BASIC PAY.—Members of the Commission shall  
20 serve without pay.

21 (e) TRAVEL EXPENSES.—Each member shall receive  
22 travel expenses, including per diem in lieu of subsistence,  
23 in accordance with sections 5702 and 5703 of title 5,  
24 United States Code.

1 (f) QUORUM.—8 members of the Commission shall  
2 constitute a quorum but a lesser number may hold hear-  
3 ings.

4 **SEC. 2603. CHAIRPERSON.**

5 (a) IN GENERAL.—The Chairperson of the Commis-  
6 sion shall be elected by the members not later than 30  
7 days after the date on which all of the original members  
8 of the Commission have been appointed.

9 (b) PRESIDENTIAL APPOINTMENT.—If the members  
10 of the Commission are unable to elect the Chairperson in  
11 accordance with subsection (a), the President shall ap-  
12 point a member of the Commission to be the Chairperson.

13 **SEC. 2604. MEETINGS.**

14 The Commission shall meet at the call of the Chair-  
15 person.

16 **SEC. 2605. STAFF.**

17 (a) IN GENERAL.—The Chairperson may appoint and  
18 fix the pay of the personnel of the Commission as the  
19 Chairperson considers appropriate.

20 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
21 LAWS.—The staff of the Commission shall be appointed  
22 subject to the provisions of title 5, United States Code,  
23 governing appointments in the competitive service, and  
24 shall be paid in accordance with the provisions of chapter

1 51 and subchapter III of chapter 53 of that title relating  
2 to classification and General Schedule pay rates.

3 (c) STAFF OF FEDERAL AGENCIES.—Upon request  
4 of the Chairperson, the head of any Federal department  
5 or agency may detail, on a reimbursable basis, any of the  
6 personnel of that department or agency to the Commission  
7 to assist it in carrying out its duties under this subtitle.

8 **SEC. 2606. POWERS.**

9 (a) HEARINGS AND SESSIONS.—The Commission  
10 may, for the purpose of carrying out this subtitle, hold  
11 hearings, sit and act at times and places, take testimony,  
12 and receive evidence as the Commission considers appro-  
13 priate. The Commission may administer oaths or affirma-  
14 tions to witnesses appearing before it.

15 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
16 ber or agent of the Commission may, if authorized by the  
17 Commission, take any action which the Commission is au-  
18 thorized to take by this section.

19 (c) OBTAINING OFFICIAL DATA.—The Commission  
20 may secure directly from any Federal department or agen-  
21 cy information necessary to enable it to carry out this sub-  
22 title. Upon request of the Chairperson of the Commission,  
23 the head of that department or agency shall provide that  
24 information to the Commission.

1 (d) MAIL.—The Commission may use the United  
2 States mail in the same manner and under the same con-  
3 ditions as other Federal departments and agencies.

4 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
5 the request of the Commission, the Administrator of Gen-  
6 eral Services shall provide to the Commission, on a reim-  
7 bursable basis, the administrative support services nec-  
8 essary for the Commission to carry out its responsibilities  
9 under this subtitle.

10 **SEC. 2607. REPORT.**

11 Not later than 2 years after the date on which all  
12 original members have been appointed to the Commission,  
13 the Commission shall transmit to the President, Congress,  
14 and the general public a report that contains a detailed  
15 statement of the findings and policy recommendations of  
16 the Commission, including the comprehensive national  
17 strategy described in section 2601(b)(2).

18 **SEC. 2608. TERMINATION.**

19 (a) IN GENERAL.—The Commission shall terminate  
20 60 days after the date of submission of the report under  
21 section 2607.

22 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
23 NATION.—The Commission may use the 60-day period re-  
24 ferred to in subsection (a) for the purpose of concluding

1 its activities, including providing testimony to committees  
2 of Congress concerning the report under section 2607.

3 **SEC. 2609. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated such sums  
5 as are necessary for use in the development and implemen-  
6 tation of plans under this subtitle.

