

AMENDMENT TO H.R. 3962**OFFERED BY MR. HINOJOSA OF TEXAS**

In section 1112—

(1) in subsection (b)(1), strike “If there is” and insert “Subject to subsection (d), if there is”; and

(2) add at the end the following new subsection:

1 (d) HOLD HARMLESS.—

2 (1) IN GENERAL.—In the case of a county for
3 which the county rate of uninsurance is 16 percent
4 or greater in January 2016 or in January of any
5 succeeding year, subsection (b) shall apply to Medi-
6 care DSH payments for hospitals in such county in
7 such year only if the application of such subsection
8 results in Medicare DSH payments higher than the
9 Medicare DSH payments that would have been made
10 if such subsection did not apply.

11 (2) COUNTY RATE OF UNINSURANCE DE-
12 FINED.—For purposes of this subsection, the term
13 “county rate of uninsurance” means, for a year,
14 such rate for the under-65 population for the year
15 as determined by Secretary of Health and Human
16 Services in or about September of the succeeding
17 year.

In section 1704—

(1) in subsection (b)(1)(A), strike “For each of” and insert “Subject to subsection (d), for each of”; and

(2) add at the end the following new subsection:

1 (d) HOLD HARMLESS.—

2 (1) IN GENERAL.—In the case of a State for
3 which the State rate of uninsurance is 16 percent or
4 greater in January 2016 or in January of any suc-
5 ceeding year, subsection (b) shall apply to Medicaid
6 DSH payments to such State in such year only if
7 the application of such subsection results in Med-
8 icaid DSH payments higher than the Medicaid DSH
9 payments that would have been made if such sub-
10 section did not apply.

11 (2) STATE RATE OF UNINSURANCE DEFINED.—
12 For purposes of this subsection, the term “State
13 rate of uninsurance” means, for a year, such rate
14 for the under-65 population for the year as deter-
15 mined by Secretary of Health and Human Services
16 in or about September of the succeeding year.

