

AMENDMENT TO H.R. 3962**OFFERED BY MR. MICHAUD OF MAINE**

In section 1193, in the heading, insert after “RE-CLASSIFICATIONS” the following: “AND OTHER WAGE INDEX RECLASSIFICATIONS”.

In section 1193 add at the end the following new subsection:

1 (c) OTHER WAGE INDEX RECLASSIFICATIONS.—

2 (1) HOSPITAL RECLASSIFICATIONS.—Notwith-
3 standing any other provision of law, for purposes of
4 making payments under section 1886(d) of the So-
5 cial Security Act (42 U.S.C. 1395ww(d)) for dis-
6 charges occurring on or after October 1, 2010, the
7 Secretary of Health and Human Services shall clas-
8 sify any hospital located in a State described in
9 paragraph (4) as being located in Boston, Massachu-
10 setts. Any reclassification effected under this para-
11 graph shall be treated as a decision of the Medicare
12 Geographic Classification Review Board under sec-
13 tion 1886(d) of such Act, except for purposes of
14 paragraph (8)(D) of such section.

1 (2) SKILLED NURSING FACILITY RECLASSIFICA-
2 TIONS.—Notwithstanding any other provision of law,
3 for purposes of making payments under section
4 1888(e) of the Social Security Act (42 U.S.C.
5 1395yy(e)) for cost reporting periods beginning on
6 or after October 1, 2010, the Secretary of Health
7 and Human Services shall classify any skilled nurs-
8 ing facility located in a State described in paragraph
9 (4) as being located in Boston, Massachusetts.

10 (3) HOME HEALTH AGENCY RECLASSIFICA-
11 TIONS.—Notwithstanding any other provision of law,
12 for purposes of section 1891(g) of the Social Secu-
13 rity Act (42 U.S.C. 1395bbb(g)) and with respect to
14 making payments for home health services under
15 title XVIII of such Act for cost reporting periods be-
16 ginning on or after October 1, 2001, the Secretary
17 of Health and Human Services shall classify such
18 services furnished by a home health agency located
19 in a State described in paragraph (4) as being fur-
20 nished by a home health agency in Boston, Massa-
21 chusetts.

22 (4) STATE DESCRIBED.—A State described in
23 this paragraph is a State in which—

24 (A) at least 35 percent of the individuals
25 in such State who are entitled to benefits under

1 part A of title XVIII and enrolled under part
2 B of such title are also enrolled under the State
3 plan under this title; and

4 (B) at least 20 percent of the individuals
5 enrolled under the State plan under this title
6 are also entitled to benefits under part A of
7 title XVIII and enrolled under part B of such
8 title.

In the subparagraph (C) added to section
1902(a)(13) of the Social Security Act by section
1721(a)(1)(A), insert "(i)" after "(C)", insert "and"
after the semicolon at the end, and add at the end the
following new clause:

9 (ii) payment, for other services and
10 other providers not described in clause (i),
11 at a rate not less than the percent speci-
12 fied in such clause for the year involved of
13 the payment rate that is otherwise payable
14 for such services and providers under title
15 XVIII, in the case of such services fur-
16 nished in a State that has—

17 (I) at least 35 percent of its
18 residents who are entitled to benefits
19 under such title also eligible for med-
20 ical assistance under this title; and

1 “(II) at least 20 percent of its
2 residents who are entitled to such
3 medical assistance also eligible for
4 benefits under such title;”.

In the matter added to section 1932(f) of the Social Security Act by section 1721(a)(2)(B), strike “1902(a)(13)(C)” and insert “1902(a)(13)(C)(i)” and insert after “minimum payment rates” the following: “and, in the case of other services and providers described in section 1902(a)(13)(C)(ii), consistent with the minimum payment rates specified in such section”.

Add at the end of subtitle E of title VII of division B the following section (and conform the table of contents for the division accordingly):

5 **SEC. 1749A. WAIVER OF CLAWBACK PROVISION FOR CER-**
6 **TAIN STATES.**

7 Section 1935(c) of the Social Security Act (42 U.S.C.
8 1396u-5(c)) is amended—

9 (1) in paragraph (1)(A), by striking “Each of
10 the 50 States” and inserting “Subject to paragraph
11 (7), each of the 50 States”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(7) WAIVER OF STATE CONTRIBUTION.—

1 “(A) IN GENERAL.—For each month be-
2 ginning after January 2010 that a State meets
3 the criteria described in subparagraph (B), the
4 payment requirement under paragraph (1) shall
5 not apply to such State.

6 “(B) CRITERIA.—The criteria described in
7 this subparagraph, with respect to a State, are
8 that—

9 “(i) at least 35 percent of the individ-
10 uals in such State who are entitled to ben-
11 efits under part A of title XVIII and en-
12 rolled under part B of such title are also
13 enrolled under the State plan under this
14 title; and

15 “(ii) at least 20 percent of the individ-
16 uals enrolled under the State plan under
17 this title are also entitled to benefits under
18 part A of title XVIII and enrolled under
19 part B of such title.”.

