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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SÁNCHEZ introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries, 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 “Community-Based
5 Independence for Seniors Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Community-based services play an essential
2 role in keeping individuals healthy.

3 (2) Without community-based long-term serv-
4 ices and supports, which are not typically covered by
5 Medicare, seniors frequently experience negative
6 health outcomes and lose their ability to live inde-
7 pendently.

8 (3) Seniors who deplete their resources often
9 have no option but to turn to Medicaid for coverage
10 of long term care expenses.

11 (4) Targeting community-based services and
12 supports to at-risk seniors can help these individuals
13 avoid depleting their assets and becoming Medicaid
14 dependent.

15 **SEC. 3. COMMUNITY-BASED INSTITUTIONAL SPECIAL**
16 **NEEDS PLAN DEMONSTRATION.**

17 Part C of title XVIII of the Social Security Act is
18 amended by inserting after section 1859 (42 U.S.C.
19 1395w-28) the following new section:

20 **“SEC. 1859A. COMMUNITY-BASED INSTITUTIONAL SPECIAL**
21 **NEEDS PLAN DEMONSTRATION.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish a Community-Based Institutional Special Needs
25 Plan demonstration program (in this section referred

1 to as the ‘CBI–SNP demonstration program’) to
2 provide home and community-based care to eligible
3 Medicare beneficiaries.

4 “(2) AGREEMENTS.—The Secretary shall enter
5 into agreements with eligible MA organizations
6 under which such organizations shall offer eligible
7 MA plans under the CBI–SNP demonstration pro-
8 gram to eligible Medicare beneficiaries.

9 “(3) LIMITATIONS ON SCOPE OF DEMONSTRA-
10 TION PROGRAM.—

11 “(A) NUMBER OF PLANS.—The CBI–SNP
12 demonstration program shall be carried out
13 with respect to not greater than five MA plans.

14 “(B) NUMBER OF ENROLLEES PER
15 PLAN.—An eligible MA organization that enters
16 into an agreement with the Secretary under
17 paragraph (2) to offer an eligible MA plan
18 under the CBI–SNP demonstration program
19 may not enroll more than 1,000 eligible Medi-
20 care beneficiaries (including new enrollees) in
21 such plan.

22 “(4) ELIGIBLE MA PLANS DEFINED.—For pur-
23 poses of this section, the term ‘eligible MA plan’
24 means a plan that, in addition to items and services
25 for which coverage is otherwise provided under this

1 part (including benefits under section 1852(a)(3)
2 and notwithstanding any waivers under section
3 1915(e)), provides for coverage of long-term care
4 services and supports that the Secretary determines
5 appropriate for the purposes of the CBI–SNP dem-
6 onstration program, such as—

7 “(A) homemaker services;

8 “(B) home delivered meals;

9 “(C) transportation services;

10 “(D) respite care;

11 “(E) adult day care services; and

12 “(F) safety and other equipment not other-
13 wise covered under this title.

14 “(b) ELIGIBLE MA ORGANIZATIONS.—For purposes
15 of this section, the term ‘eligible MA organization’ means
16 an MA organization that—

17 “(1) has experience in offering specialized MA
18 plans for special needs individuals, as defined in sec-
19 tion 1859(b)(6)(A), to individuals who live in the
20 community in which the eligible MA plan is offered;

21 “(2) has experience working with low income
22 seniors groups;

23 “(3) is located in a State that the Secretary has
24 determined is able to participate in the CBI–SNP
25 demonstration program by agreeing to make avail-

1 able data necessary for purposes of conducting the
2 independent evaluation required under subsection
3 (h); and

4 “(4) meets such other criteria as the Secretary
5 may require.

6 “(c) ELIGIBLE MEDICARE BENEFICIARY DE-
7 FINED.—In this section, the term ‘eligible Medicare bene-
8 ficiary’ means a Medicare beneficiary who—

9 “(1) is eligible to enroll in an eligible MA plan
10 under the CBI–SNP demonstration program;

11 “(2) is a subsidy-eligible individual (as defined
12 in section 1860D–14(a)(3)(A));

13 “(3) is not eligible to receive benefits under title
14 XIX;

15 “(4) is unable to perform two or more activities
16 of daily living (as defined in section 7702B(c)(2)(B)
17 of the Internal Revenue Code of 1986); and

18 “(5) is age 65 or older.

19 “(d) PAYMENTS.—The Secretary shall establish pay-
20 ment rates for eligible MA organizations offering eligible
21 MA plans under the CBI–SNP demonstration program for
22 benefits covered under such program (and not otherwise
23 covered under part C) and provided to eligible Medicare
24 beneficiaries under such plans. Such payment rates
25 shall—

1 “(1) be based upon payment rates established
2 for purposes of payment under section 1853;

3 “(2) be in addition to payments otherwise made
4 to such organization with respect to such plans
5 under part C;

6 “(3) be adjusted to reflect the costs of treating
7 eligible Medicare beneficiaries under this section;
8 and

9 “(4) not, with respect to a month in which an
10 eligible MA organization provides home and commu-
11 nity-based care to eligible Medicare beneficiaries
12 under such demonstration program, exceed an
13 amount for such month that is equal to the amount
14 that would be awarded to such organization if the
15 organization were to receive \$400 with respect to
16 each such beneficiary that the organization provides
17 with such care during such month.

18 “(e) SPECIAL ELECTION PERIOD.—Notwithstanding
19 sections 1852(e)(2)(C) and 1860D–1(b)(1)(B)(iii), an eli-
20 gible Medicare beneficiary may, other than during the an-
21 nual, coordinated election periods under such sections—

22 “(1) discontinue enrollment in an MA plan not
23 participating in the CBI–SNP demonstration pro-
24 gram and enroll in an MA plan participating in such
25 program; and

1 “(2) discontinue enrollment under the original
2 Medicare fee-for-service program under parts A and
3 B and the enrollment in a prescription drug plan
4 under part D and enroll in an MA plan participating
5 in the CBI–SNP demonstration program.

6 “(f) BENEFICIARY EDUCATION.—The Secretary shall
7 help to educate, through State Health Insurance Assist-
8 ance Programs and other organizations that assist seniors
9 with respect to benefits and enrollment under this title,
10 eligible Medicare beneficiaries on the availability of the
11 CBI–SNP demonstration program.

12 “(g) IMPLEMENTATION.—

13 “(1) DEADLINE.—The CBI–SNP demonstra-
14 tion program shall be implemented not later than
15 January 1 of the second year beginning after the
16 date of the enactment of this section.

17 “(2) DURATION.—Subject to paragraph (3), the
18 CBI–SNP demonstration program shall be con-
19 ducted for a period of five years.

20 “(3) EXTENSION OR EXPANSION.—Taking into
21 account the report under subsection (h)(2), the Sec-
22 retary may, through notice and comment rule-
23 making, expand the duration, scope, or both the du-
24 ration and scope of the CBI–SNP demonstration
25 program (including implementation on a nationwide

1 or permanent basis or both), other than under the
2 original Medicare fee-for-service program under
3 parts A and B of such title, to the extent determined
4 appropriate by the Secretary, unless the Secretary
5 determines that such expansion is expected to—

6 “(A) increase aggregate expenditures
7 under this title and title XIX with respect to el-
8 igible Medicare beneficiaries participating in the
9 CBI–SNP demonstration program; or

10 “(B) decrease the quality of health care
11 services furnished to eligible Medicare bene-
12 ficiaries participating in the CBI–SNP dem-
13 onstration program.

14 “(h) INDEPENDENT EVALUATION AND REPORTS.—

15 “(1) INDEPENDENT EVALUATION.—

16 “(A) IN GENERAL.—The Secretary shall
17 provide for the evaluation of the CBI–SNP
18 demonstration program by an independent third
19 party.

20 “(B) EVALUATION OBJECTIVES.—Such
21 evaluation shall determine the extent to which
22 the CBI–SNP demonstration program has re-
23 sulted in—

24 “(i) improved patient care;

1 “(ii) reduced hospitalizations or rehos-
2 pitalizations;

3 “(iii) reduced or delayed nursing facil-
4 ity admissions and lengths of stay under
5 title XIX;

6 “(iv) reduced spend down of income
7 and assets for purposes of becoming eligi-
8 ble for medical assistance under a State
9 plan under title XIX;

10 “(v) improved quality of life for the
11 eligible Medicare beneficiaries enrolled in
12 an eligible MA plan participating in the
13 CBI–SNP demonstration program; and

14 “(vi) improved caregiver satisfaction.

15 “(C) EVALUATION PROCESS.—Such eval-
16 uation shall be completed in accordance with
17 the following process:

18 “(i) The Secretary shall, prior to the
19 implementation of such program, establish
20 goals for such program with respect to the
21 evaluation objectives described in subpara-
22 graph (B) and criteria for measuring the
23 extent to which an eligible MA plan par-
24 ticipating in the CBI–SNP demonstration
25 program meets such goals.

1 “(ii) The Secretary shall implement
2 clear data collection and reporting require-
3 ments for such eligible MA plans in order
4 to carry out such evaluation.

5 In carrying out such process, the Secretary
6 shall recognize that definitions, benefits, and
7 program requirements for long-term care serv-
8 ices and supports vary across States.

9 “(2) REPORTS.—Not later than four years after
10 the implementation of the CBI–SNP demonstration
11 program, the Secretary shall submit to Congress a
12 report containing the results of the evaluation con-
13 ducted under paragraph (1), together with such rec-
14 ommendations for legislative or administrative action
15 as the Secretary determines appropriate. In pre-
16 paring such report, the Secretary shall use at least
17 three years worth of data under the demonstration
18 program.

19 “(i) BUDGET NEUTRALITY.—For any year after the
20 third year of the CBI–SNP demonstration program, the
21 Secretary shall ensure that the aggregate payments made
22 under this title and title XIX, including under the dem-
23 onstration program, do not exceed the amount which the
24 Secretary estimates would have been expended under such

1 titles during such year if the CBI–SNP demonstration
2 program had not been implemented.

3 “(j) PAPERWORK REDUCTION ACT.—Chapter 35 of
4 title 44, United States Code, shall not apply to the testing
5 and evaluation of the CBI–SNP demonstration program.”.