

AMENDMENT TO H.R. 2, AS

REPORTED

OFFERED BY MS. JACKSON-LEE OF TEXAS

[Amendment to the Children's Health Insurance Program
Reauthorization Act of 2009; CHIP_006]

Section 1877(i)(3) of the Social Security Act, as added by section 623, is amended by adding at the end the following:

1 “(I) CERTAIN INPATIENT HOSPITALS EX-
2 EMPTED.—

3 “(i) IN GENERAL.—The requirement
4 under paragraph (1)(C) shall not apply to
5 a hospital if the hospital was under devel-
6 opment on the date of the enactment of
7 this subsection and—

8 “(I) is owned in whole or in part
9 by a unit of government; or

10 “(II) is a full service hospital.

11 “(ii) FULL SERVICE HOSPITAL DE-
12 FINED.—For purposes of this subpara-
13 graph, the term ‘full service hospital’
14 means, with respect to a cost reporting pe-
15 riod—

1 “(I) any hospital that is a rural
2 provider under section 1886(d)(8)(E)
3 in a State which requires a certificate
4 of need;

5 “(II) has an agreement with the
6 Secretary to participate as a provider
7 under title XIX;

8 “(III) complies with all standards
9 and rules adopted by the State for
10 hospitals;

11 “(IV) provides charity care, as a
12 percent of gross revenues, as the low-
13 est percentage of charity care pro-
14 vided by a non-profit general hospital
15 in the same health service area as de-
16 termined by the State.;

17 “(V) delivers services in at least
18 13 of the 25 Major Diagnostic Cat-
19 egories (MDCs);

20 “(VI) provides emergency serv-
21 ices twenty-four hours per day, seven
22 days per week in a designated area of
23 the hospital, and complies with re-
24 quirements for emergency facilities
25 that are established by the State;

1 “(VII) accepts the transfer of pa-
2 tients from other hospitals when the
3 patient requires the category of care
4 or treatment provided by the hospital;
5 “(VIII) during the immediately
6 prior cost report period (or for a hos-
7 pital under development for its initial
8 cost report period) no more than 45
9 percent of its Medicare cases are at-
10 tributable to Major Diagnostic Cat-
11 egory (MDC) 5 (Diseases and Dis-
12 orders of the Circulatory System),
13 MDC 8 (Diseases and Disorders of
14 the Musculoskeletal System and Con-
15 nective Tissue, or Medicare discharges
16 involve a surgical procedure; and
17 “(IX) that has at least 90 beds
18 and, based on a representative sample
19 of patient visits, provides at least 1/
20 6th of all its outpatient visits for the
21 treatment of emergency medical con-
22 ditions on an urgent basis without re-
23 quiring a previously scheduled ap-
24 pointment.”.

