

114TH CONGRESS
1ST SESSION

H. R. 2446

To amend title XIX of the Social Security Act to require the use of electronic visit verification for personal care services furnished under the Medicaid program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to require the use of electronic visit verification for personal care services furnished under the Medicaid program, 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. ELECTRONIC VISIT VERIFICATION SYSTEM RE-**
4 **QUIRED FOR PERSONAL CARE SERVICES**
5 **UNDER MEDICAID.**

6 (a) IN GENERAL.—Section 1903 of the Social Secu-
7 rity Act (42 U.S.C. 1396b) is amended by inserting after
8 subsection (k) the following new subsection:

1 “(1)(1) Subject to paragraph (2), with respect to any
2 amount expended for medical assistance for services de-
3 scribed in section 1915(d)(5)(C)(i) or such similar services
4 as the Secretary may specify furnished in a calendar quar-
5 ter beginning on or after January 1, 2018, unless a State
6 has in place an electronic visit verification system for per-
7 sonal care services specified under regulations under sec-
8 tion 1905(a)(24) furnished in such quarter, the Federal
9 medical assistance percentage shall be reduced—

10 “(A) for calendar quarters in 2018 and 2019,
11 by .25 percentage points;

12 “(B) for calendar quarters in 2020, by .5 per-
13 cent percentage points;

14 “(C) for calendar quarters in 2021, by .75 per-
15 centage points; and

16 “(D) for calendar quarters in 2022 and each
17 year thereafter, by 1 percentage point.

18 “(2) Paragraph (1) shall not apply in the case of a
19 State that, as of the date of the enactment of this sub-
20 section, has in place any system for the electronic
21 verification of visits conducted as part of personal care
22 services specified under regulations under section
23 1905(a)(24) furnished under the State plan.

24 “(3) In this subsection, the term ‘electronic visit
25 verification system’ means a system under which visits

1 conducted as part of personal care services specified under
2 regulations under section 1905(a)(24) furnished under the
3 State plan are electronically verified with respect to—

4 “(A) the date of the service;

5 “(B) the site of the service;

6 “(C) the provider of the service; and

7 “(D) the duration of the service.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in the
9 amendment made by this section may be construed as es-
10 tablishing an employer-employee relationship between the
11 agency or entity that provides for personal care services
12 specified under regulations under section 1905(a)(24) of
13 the Social Security Act (42 U.S.C. 1396d(a)(24)) under
14 a State plan under title XIX of the Social Security Act
15 and the individuals who, under a contract with such an
16 agency or entity, furnish such services for purposes of part
17 552 of title 29, Code of Federal Regulations (or any suc-
18 cessor regulations).

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