

103^D CONGRESS
1ST SESSION

S. 552

To amend title XIX of the Social Security Act to improve programs related to home and community based care and community supported living arrangements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 3), 1993

Mr. GRAHAM (for himself and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to improve programs related to home and community based care and community supported living arrangements, 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. REFERENCES TO SOCIAL SECURITY ACT.**

4 Except as otherwise specifically provided, whenever in
5 this Act an amendment is expressed in terms of an amend-
6 ment to or repeal of a section or other provision, the ref-
7 erence shall be considered to be made to that section or
8 other provision of the Social Security Act.

1 **SEC. 2. HOME AND COMMUNITY CARE FOR THE FRAIL**
 2 **ELDERLY.**

3 (a) DEFINITION OF FUNCTIONALLY DISABLED EL-
 4 DERLY INDIVIDUAL.—Section 1929(b)(1)(C) (42 U.S.C.
 5 1396t(b)(1)(C)) is amended to read as follows:

6 “(C) subject to section 1902(f) (as applied
 7 consistent with section 1902(r)(2))—

8 “(i) is receiving supplemental security
 9 income benefits under title XVI (or under
 10 a State plan approved under title XVI), or

11 “(ii) at the option of the State—

12 “(I) is described in section
 13 1902(a)(10)(C), or

14 “(II) has income (as determined
 15 under section 1612 for purposes of
 16 the supplementary security income
 17 program) that does not exceed three
 18 times the maximum amount of income
 19 that an individual may have and ob-
 20 tain benefits under such program.”.

21 (b) DETERMINATIONS OF FUNCTIONAL DISABIL-
 22 ITY.—Section 1929(c)(1) (42 U.S.C. 1396t(c)(1)) is
 23 amended—

24 (1) in subparagraph (A)—

25 (A) by striking “3” and inserting “5”, and

(B) by striking “toileting, transferring, and eating; or” and inserting “bathing, dressing, toileting, transferring, and eating;”,

(2) in subparagraph (B)—

(A) by striking “of the following 5 activities of daily living: bathing, dressing, toileting, transferring, and eating” and inserting “of the 5 activities of daily living described in subparagraph (A)”, and

(B) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following new subparagraphs:

“(C) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 of the 5 activities of daily living described in subparagraph (A) or in complying with a daily drug regimen; or

“(D) needs substantial supervision from another individual because such individual engages in inappropriate behaviors that pose serious health or safety hazards to such individual or others.”.

1 (c) SURVEY AND CERTIFICATION FOR CERTAIN COM-
2 MUNITY CARE SETTINGS.—

3 (1) IN GENERAL.—Section 1929(i) (42
4 U.S.C.1395t(i)) is amended—

5 (A) in paragraph (1), by adding at the end
6 the following new subparagraph:

7 “(D) SPECIAL RULE FOR CERTAIN SMALL
8 COMMUNITY CARE SETTINGS.—For purposes of
9 this paragraph, the terms ‘community care set-
10 ting’ and ‘setting’ shall not include a small
11 community care setting that is not a provider of
12 home and community care.”, and

13 (B) in paragraph (3), by adding at the end
14 the following new subparagraph:

15 “(F) SPECIAL RULE FOR CERTAIN SMALL
16 COMMUNITY CARE SETTINGS.—For purposes of
17 this paragraph, the terms ‘community care set-
18 ting’ and ‘setting’ shall not include a small
19 community care setting that is not a provider of
20 home and community care.”.

21 (2) ADDITIONAL RESPONSIBILITIES FOR CASE
22 MANAGERS.—Section 1929(d)(2) (42 U.S.C.
23 1396t(d)(2)) is amended—

24 (A) by amending subparagraph (A) to read
25 as follows:

1 “(A) has experience or has been trained—

2 “(i) in establishing, and in periodically
3 reviewing and revising, individual commu-
4 nity care plans;

5 “(ii) in the provision of case manage-
6 ment services to the elderly; and

7 “(iii) with respect to case managers
8 for individuals residing in small community
9 care settings that are not providers of
10 home and community care, in reviewing
11 the compliance of such settings with the
12 requirements set forth in subsection
13 (g)(2);”, and

14 (B) in subparagraph (B)—

15 (i) by striking “and (iii)” and insert-
16 ing “(iii)”, and

17 (ii) by striking “occur;” and inserting
18 “occur; and (iv) reviewing the compliance
19 of small community care settings that are
20 not providers of home and community care
21 with the requirements set forth in sub-
22 section (g)(2) in coordination with Om-
23 budsmen selected under the State Long-
24 Term Care Ombudsman program (de-
25 scribed in section 712 of the Older Ameri-

1 cans Act of 1965) and reporting any non-
 2 compliance of such settings with such sub-
 3 section to the State;”.

4 (d) LIMITATION ON AMOUNT OF EXPENDITURES AS
 5 MEDICAL ASSISTANCE.—Section 1929(m) (42 U.S.C.
 6 1396t(m)) is amended—

7 (1) in paragraph (1), by striking “The amount
 8 of funds” and inserting “Except as provided in
 9 paragraph (5), the amount of funds”,

10 (2) in paragraph (2)—

11 (A) by striking “Individual Community
 12 Care Plan” and inserting “individual commu-
 13 nity care plan”, and

14 (B) by striking “an election period is the
 15 period of 4 or more calendar quarters” and in-
 16 serting “an election period is a Federal fiscal
 17 year”,

18 (3) by amending paragraph (4) to read as fol-
 19 lows:

20 “(4) ALLOCATION OF MEDICAL ASSISTANCE.—

21 “(A) IN GENERAL.—All of the funds avail-
 22 able to be expended under paragraph (1) during
 23 a fiscal year shall be available as Federal medi-
 24 cal assistance to the States electing to provide

1 services under this section during such fiscal
 2 year.

3 “(B) GENERAL ALLOCATION FORMULA.—
 4 For each fiscal year, beginning with fiscal year
 5 1994, a State which has provided a notice to
 6 the Secretary under paragraph (6)(A) shall be
 7 allocated an amount of the funds that may be
 8 expended under paragraph (1) for such fiscal
 9 year equal to the product of—

10 “(i) the total amount of funds that
 11 may be expended under paragraph (1) for
 12 such fiscal year; and

13 “(ii) the amount determined by divid-
 14 ing—

15 “(I) the number of individuals
 16 age 65 or older residing in such State
 17 during such fiscal year, by

18 “(II) the total number of individ-
 19 uals age 65 or older residing in all
 20 States which have submitted notices
 21 to the Secretary under such para-
 22 graph during such fiscal year.

23 “(C) REALLOCATION OF FUNDS.—

24 “(i) FORMULA FOR REALLOCATION.—

1 “(I) GENERAL RULE.—Except as
2 provided in subclause (II), within 60
3 days after the end of each fiscal year,
4 beginning with fiscal year 1993, the
5 Secretary shall pay to each State
6 which provided services under this
7 section during such fiscal year an
8 amount equal to the product of—

9 “(aa) the total amount of
10 funds that may be expended
11 under paragraph (1) for such fis-
12 cal year which remain available
13 at the end of such fiscal year;
14 and

15 “(bb) the amount deter-
16 mined by dividing the unavailable
17 Federal amount (as defined in
18 clause (ii)) for such State by the
19 total unavailable Federal amount
20 for all the States which provided
21 services under this section during
22 such fiscal year.

23 “(II) SPECIAL RULE.—The
24 amount determined for payment to a
25 State under subclause (I) shall not ex-

1 ceed the unavailable Federal amount
2 for such State.

3 “(ii) DEFINITION.—For purposes of
4 this subparagraph, the term ‘unavailable
5 Federal amount’ means the excess of—

6 “(I) the amount a State would
7 have received in Federal medical as-
8 sistance based on such State’s expend-
9 itures for services provided under this
10 section but for the allocation under
11 subparagraph (B), over

12 “(II) the amount of Federal med-
13 ical assistance allocated to such State
14 under subparagraph (B).”, and

15 (4) by adding at the end the following new
16 paragraphs:

17 “(5) CARRYOVER OF FUNDS TO NEXT FISCAL
18 YEAR.—Beginning with fiscal year 1993, any funds
19 available under the limitations set forth in para-
20 graph (1) for a fiscal year which remain available at
21 the end of such fiscal year shall be available to be
22 expended in the following fiscal year.

23 “(6) NOTICE TO STATES OF AMOUNTS AVAIL-
24 ABLE FOR ASSISTANCE.—

25 “(A) IN GENERAL.—

1 “(i) NOTICE TO SECRETARY.—In
 2 order to receive Federal medical assistance
 3 for expenditures for home and community
 4 care under this section for any fiscal year
 5 (beginning with fiscal year 1994), a State
 6 shall submit not later than 3 months be-
 7 fore the beginning of such fiscal year a no-
 8 tice to the Secretary of its intention to pro-
 9 vide such care.

10 “(ii) NOTICE TO STATES.—Not later
 11 than 2 months before the beginning of
 12 each fiscal year (beginning with fiscal year
 13 1994), the Secretary shall notify each
 14 State that has submitted a notice to the
 15 Secretary under clause (i) for the fiscal
 16 year of the amount of Federal medical as-
 17 sistance that will be available to the State
 18 for such fiscal year (as established under
 19 paragraph (4)(B)).”.

20 (e) EVALUATIONS AND REPORTS.—Section 1929 (42
 21 U.S.C. 1396t) is amended by adding at the end the follow-
 22 ing new subsection:

23 “(n) EVALUATIONS AND REPORTS.—The Secretary
 24 shall evaluate the provision of home and community care
 25 by States under this section and shall submit to the Com-

1 mittees on Energy and Commerce and Ways and Means
 2 of the House of Representatives and the Committee on
 3 Finance of the Senate an annual report on the effective-
 4 ness of such care, including the cost effectiveness of pro-
 5 viding such care, and any recommendations for appro-
 6 priate legislative action.”.

7 (f) EFFECTIVE DATE.—The amendments made by
 8 this section shall be effective on the date of the enactment
 9 of this Act.

10 **SEC. 3. AMENDMENTS RELATED TO COMMUNITY SUP-**
 11 **PORTED LIVING ARRANGEMENTS SERVICES.**

12 (a) DEVELOPMENTALLY DISABLED INDIVIDUAL DE-
 13 FINED.—Section 1930(b) (42 U.S.C. 1396u(b)), is
 14 amended—

15 (1) by striking “guardian” and inserting
 16 “guardian or”, and

17 (2) by striking “3 other” and inserting “3”.

18 (b) CARRYOVER OF AVAILABLE FUNDS.—Section
 19 1930(j) (42 U.S.C. 1396u(j)) is amended by adding at the
 20 end the following new sentence: “Beginning with fiscal
 21 year 1993, any funds available under the limitations set
 22 forth in this subsection for a fiscal year which remain
 23 available at the end of such fiscal year shall be available
 24 to be expended in the following fiscal year.”.

1 (c) EVALUATIONS AND REPORTS.—Section 1930 (42
2 U.S.C. 1396u) is amended by adding at the end the follow-
3 ing new subsection:

4 “(k) EVALUATIONS AND REPORTS.—The Secretary
5 shall evaluate the provision of community supported living
6 arrangements services by States under this section and
7 shall submit to the Committees on Energy and Commerce
8 and Ways and Means of the House of Representatives and
9 the Committee on Finance of the Senate an annual report
10 on the effectiveness of such services, including the cost ef-
11 fectiveness of providing such services, and any rec-
12 ommendations for appropriate legislative action.”.

13 (d) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the amendments made by this section
16 shall be effective on the date of the enactment of
17 this Act.

18 (2) SPECIAL RULE.—In the case of any State
19 which, on the date of enactment of this Act, provides
20 services under section 1930 of the Social Security
21 Act to 4 individuals residing together for purposes
22 of subsection (b) of such section, the amendment
23 made by subsection (a)(2) shall be effective on Octo-
24 ber 1, 1994.

1 **SEC. 4. ALZHEIMER'S DISEASE DEMONSTRATION**
2 **PROJECTS.**

3 (a) IN GENERAL.—Section 9342 of the Omnibus
4 Budget Reconciliation Act of 1986, as amended by section
5 4164(a)(2) of the Omnibus Budget Reconciliation Act of
6 1990, is amended—

7 (1) in subsection (c)(1), by striking “4 years”
8 and inserting “6 years”,

9 (2) in subsection (d)(1), by striking “fourth
10 year” and inserting “sixth year”, and

11 (3) in subsection (f)—

12 (A) by striking “\$55,000,000” and insert-
13 ing “\$70,000,000”; and

14 (B) by striking “\$3,000,000” and insert-
15 ing “\$4,000,000”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall be effective on the date of the enactment
18 of this Act.

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