

113TH CONGRESS  
1ST SESSION

# H. R. 3128

To amend title XVIII of the Social Security Act to provide additional penalties applicable to psychiatric hospitals and units that fail to comply with Medicare discharge planning process requirements.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2013

Ms. MATSUI introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act to provide additional penalties applicable to psychiatric hospitals and units that fail to comply with Medicare discharge planning process requirements.

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 “Protect Patients Act”.

1 **SEC. 2. ADDITIONAL PENALTIES FOR PSYCHIATRIC HOS-**  
2 **PITAL OR UNIT FAILURE TO COMPLY WITH**  
3 **MEDICARE DISCHARGE PLANNING PROCESS**  
4 **REQUIREMENTS.**

5 Section 1861(ee) of the Social Security Act (42  
6 U.S.C. 1395x(ee)) is amended by adding at the end the  
7 following new paragraph:

8 “(4)(A) Beginning 1 year after the date of the enact-  
9 ment of this paragraph, a psychiatric hospital or a psy-  
10 chiatric unit (as described in the matter following clause  
11 (v) of section 1886(d)(1)(B)) that is determined by the  
12 Secretary not to have in place a discharge planning proc-  
13 ess that meets the requirements of this subsection is sub-  
14 ject to a civil money penalty of not more than \$10,000.  
15 A civil money penalty under this subparagraph shall be  
16 imposed and collected in the same manner as civil money  
17 penalties under subsection (a) of section 1128A are im-  
18 posed and collected under that section.

19 “(B) Beginning 1 year after the date of the enact-  
20 ment of this paragraph, the Secretary may require a psy-  
21 chiatric hospital or such a psychiatric unit that the Sec-  
22 retary has determined on multiple occasions does not have  
23 in place a discharge planning process that meets the re-  
24 quirements of this subsection to enter into an agreement  
25 with the Secretary, similar to a system improvement  
26 agreement applied pursuant to section 1866(b), to—

1           “(i) obtain from a third party that is selected  
2           by the Secretary an independent review of policies  
3           and procedures of the hospital or unit for purposes  
4           of providing recommendations for establishing a suf-  
5           ficient discharge planning process under this sub-  
6           section;

7           “(ii) retain an independent compliance officer  
8           for a period specified in the agreement to monitor  
9           and assist the hospital or unit in establishing a suf-  
10          ficient discharge planning process under this sub-  
11          section;

12          “(iii) submit periodic reports to the Secretary  
13          detailing improvements made to the policies and pro-  
14          cedures of the hospital or unit to have in place a  
15          sufficient discharge planning process under this sub-  
16          section; and

17          “(iv) undertake such other actions as the Sec-  
18          retary determines necessary in order to ensure that  
19          the hospital or unit will continue to have a sufficient  
20          discharge planning process under this subsection on  
21          an ongoing basis.

22          “(C) In the case that a psychiatric hospital or such  
23          a psychiatric unit has entered into an agreement under  
24          subparagraph (B) and does not have in place a sufficient  
25          discharge planning process by the date that is 45 days

1 after entering into such agreement, the Secretary may, in  
2 consultation with the State, appoint temporary manage-  
3 ment to oversee the operation of the hospital or unit, as-  
4 sure the health and safety of the hospital or unit's inpa-  
5 tients, and ensure compliance with requirements of such  
6 discharge planning process by the hospital or unit. The  
7 temporary management under this subparagraph shall be  
8 terminated when the Secretary has determined that the  
9 hospital or unit has the management capability to ensure  
10 continued compliance with all such requirements.”.

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