

116TH CONGRESS  
1ST SESSION

# H. R. 5443

To amend title XIX of the Social Security Act to clarify that the provision of home and community-based services is not prohibited in an acute care hospital, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2019

Ms. SCANLON (for herself and Mr. EMMER) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to clarify that the provision of home and community-based services is not prohibited in an acute care hospital, 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 “Isaiah Baker and  
5       Margie Harris-Austin Act”.

1 **SEC. 2. PROVIDING HOME AND COMMUNITY-BASED SERV-**  
2 **ICES IN ACUTE CARE HOSPITALS.**

3 Section 1902(h) of the Social Security Act (42 U.S.C.  
4 1396a(h)) is amended—

5 (1) by inserting “(1)” after “(h)”;

6 (2) by inserting “, home and community-based  
7 services provided under subsection (c), (d), or (i) of  
8 section 1915 or under a waiver under section 1115,  
9 self-directed personal assistance services provided  
10 pursuant to a written plan of care under section  
11 1915(j), and home and community-based attendant  
12 services and supports under section 1915(k)” before  
13 the period; and

14 (3) by adding at the end the following:

15 “(2) Nothing in this title, title XVIII, or title XI shall  
16 be construed as prohibiting receipt of any care or services  
17 specified in paragraph (1) in an acute care hospital that  
18 are—

19 “(A) identified in an individual’s person-cen-  
20 tered plan of services and supports (or comparable  
21 plan of care);

22 “(B) provided to meet needs of the individual  
23 that are not met through the provision of hospital  
24 services;

1           “(C) not a substitute for services that the hos-  
2           pital is obligated to provide through its conditions of  
3           participation or under Federal or State law; and

4           “(D) designed to ensure smooth transitions be-  
5           tween acute care settings and home and community-  
6           based settings, and to preserve the individual’s func-  
7           tions.”.

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