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(Original Signature of Member)

119TH CONGRESS
2D SESSION

# H. R. ______

To amend title XVIII of the Social Security Act to establish a Medicare home care benefit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. DINGELL introduced the following bill; which was referred to the Committee on ______________________________

# A BILL

To amend title XVIII of the Social Security Act to establish a Medicare home care benefit, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicare at Home Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) More than 10,000,000 Medicare beneficiaries need assistance with one or more activities

of daily living, and current Medicare law does not cover long-term, personal care in the home.

(2) The absence of a home care benefit forces beneficiaries and families to pay out of pocket, spend down into Medicaid, or forgo needed care, often at greater cost to the health care system through avoidable hospitalizations and institutionalization. Paying out of pocket for home care costs more than $60,000 annually.

(3) The vast majority of people want to live and age with dignity in their homes when they need care, including 94 percent of older adults, 90 percent of people with disabilities, and 89 percent of adults overall.

(4) Americans overwhelmingly and strongly believe Medicare should cover home care services, with 93 percent of adults agreeing. The majority of current Medicare beneficiaries either believe it already does or do not know if it does or not.

(5) A modest, capped home care benefit under Medicare would allow older adults and people with disabilities to remain safely in their homes and communities. It would also take the pressure off of unpaid family caregivers who now provide over

$1,000,000,000,000 in unpaid care to the economy filling in gaps in the systems.

**SEC. 3. ESTABLISHMENT OF MEDICARE HOME CARE BENEFIT.**

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(ooo) HOME CARE SERVICES.—

"(1) IN GENERAL.—The term 'home care services' means the following services furnished to an individual in the individual's home by a home care worker under a plan established under paragraph (3):

"(A) Assistance with activities of daily living, including bathing, dressing, toileting, transferring, and eating.

"(B) Assistance with instrumental activities of daily living, including meal preparation, medication reminders, and light housekeeping directly related to the health and safety of the individual.

"(2) LIMITATIONS.—Home care services furnished under this subsection—

"(A) shall not exceed 20 hours per week per individual; and

"(B) do not include, and are separate from, home health services described in subsection (m).

"(3) PLAN OF CARE.—Home care services shall be furnished pursuant to a plan of care established and periodically reviewed by a physician (or other practitioner authorized under this title to establish a plan of care), which shall certify that the individual requires assistance with not fewer than 2 activities of daily living, 2 instrumental activities of daily living, or 1 activity of daily living and 1 instrumental activity of daily living described in paragraph (1)(A).".

(b) COVERAGE UNDER PART B.—Section 1832(a)(2) of the Social Security Act (42 U.S.C. 1395k(a)(2)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (J), by striking the period at the end and inserting "; and"; and

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

"(K) home care services (as defined in section 1861(ooo)).".

(c) PAYMENT.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

"(ee) PAYMENT FOR HOME CARE SERVICES.—The Secretary shall establish a payment methodology for home care services (as defined in section 1861(ooo)) furnished by agencies or individuals enrolled under this title, which shall reflect a reasonable wage floor for home care workers furnishing such services.".

**SEC. 4. ELIGIBILITY.**

An individual is eligible for home care services under this Act if the individual—

(1) is entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) has been certified, in accordance with section 1861(ooo)(3) of such Act (as added by section 3), as requiring assistance with not fewer than 2 activities of daily living, 2 instrumental activities of daily living, or 1 activity of daily living and 1 instrumental activity of daily living; and

(3) is not, at the time Medicare home care services are furnished, receiving long-term services and supports through a State plan (or waiver of such plan) under title XIX of the Social Security Act (42

U.S.C. 1396 et seq.) that duplicate the services described in section 1861(ooo).

**SEC. 5. BENEFIT AMOUNT.**

Home care services furnished under this Act may not exceed 20 hours per week per eligible individual, as set forth in section 1861(ooo)(2)(A) of the Social Security Act (as added by section 3).

**SEC. 6. FINANCING.**

(a) PART B PREMIUM.—The Secretary shall adjust the monthly premium under section 1839 of the Social Security Act (42 U.S.C. 1395r) to reflect the additional actuarial cost of the benefit established under this Act, subject to the standard subsidy schedule under such section.

(b) ACTUARIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Chief Actuary of the Centers for Medicare & Medicaid Services shall submit to Congress an estimate of the per-beneficiary premium impact of the benefit established under this Act.

**SEC. 7. ADMINISTRATION.**

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations necessary to carry out this Act and the amendments made by this Act, including standards for home care worker qualifications and agency enrollment.

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to home care services furnished on or after the first day of the first plan year beginning more than 2 years after the date of enactment of this Act.