

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.**

**S. 1200**

To amend the Indian Health Care Improvement Act to revise and extend that Act.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MIKULSKI (for herself, Mr. COLEMAN, and Ms. KLOBUCHAR) to the amendment (No. 3899) proposed by Mr. DORGAN

Viz:

1 On page 397, after line 2, add the following:

2 **SEC. 213. MORATORIUM ON IMPLEMENTATION OF**  
 3 **CHANGES TO CASE MANAGEMENT AND TAR-**  
 4 **GETED CASE MANAGEMENT PAYMENT RE-**  
 5 **QUIREMENTS UNDER MEDICAID.**

6 (a) MORATORIUM.—

7 (1) DELAYED IMPLEMENTATION OF DECEMBER  
 8 4, 2007, INTERIM FINAL RULE.—The interim final

1 rule published on December 4, 2007, at pages  
2 68,077 through 68,093 of volume 72 of the Federal  
3 Register (relating to parts 431, 440, and 441 of title  
4 42 of the Code of Federal Regulations) shall not  
5 take effect before April 1, 2009.

6 (2) CONTINUATION OF 2007 PAYMENT POLICIES  
7 AND PRACTICES.—Notwithstanding any other provi-  
8 sion of law, the Secretary of Health and Human  
9 Services shall not, prior to April 1, 2009, take any  
10 action (through promulgation of regulation, issuance  
11 of regulatory guidance, use of Federal payment  
12 audit procedures, or other administrative action, pol-  
13 icy or practice, including a Medical Assistance Man-  
14 ual transmittal or issuance of a letter to State Med-  
15 icaid directors) to restrict coverage or payment  
16 under title XIX of the Social Security Act for case  
17 management and targeted case management services  
18 if such action is more restrictive than the adminis-  
19 trative action, policy, or practice that applies to cov-  
20 erage of, or payment for, such services under title  
21 XIX of the Social Security Act on December 3,  
22 2007. Any such action taken by the Secretary of  
23 Health and Human Services during the period that  
24 begins on December 4, 2007, and ends on March 31,  
25 2009, that is based in whole or in part on the in-

1       terim final rule described in subsection (a) is null  
2       and void.

3       (b) INCLUSION OF MEDICARE PROVIDERS AND SUP-  
4       PLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRA-  
5       TIVE OFFSET PROGRAM.—

6           (1) IN GENERAL.—Section 1874 of the Social  
7       Security Act (42 U.S.C. 1395kk) is amended by  
8       adding at the end the following new subsection:

9       “(d) INCLUSION OF MEDICARE PROVIDER AND SUP-  
10      PLIER PAYMENTS IN FEDERAL PAYMENT LEVY PRO-  
11      GRAM.—

12           “(1) IN GENERAL.—The Centers for Medicare  
13      & Medicaid Services shall take all necessary steps to  
14      participate in the Federal Payment Levy Program  
15      under section 6331(h) of the Internal Revenue Code  
16      of 1986 as soon as possible and shall ensure that—

17           “(A) at least 50 percent of all payments  
18           under parts A and B are processed through  
19           such program beginning within 1 year after the  
20           date of the enactment of this section;

21           “(B) at least 75 percent of all payments  
22           under parts A and B are processed through  
23           such program beginning within 2 years after  
24           such date; and

1           “(C) all payments under parts A and B  
2           are processed through such program beginning  
3           not later than September 30, 2011.

4           “(2) ASSISTANCE.—The Financial Management  
5           Service and the Internal Revenue Service shall pro-  
6           vide assistance to the Centers for Medicare & Med-  
7           icaid Services to ensure that all payments described  
8           in paragraph (1) are included in the Federal Pay-  
9           ment Levy Program by the deadlines specified in  
10          that subsection.”.

11          (2) APPLICATION OF ADMINISTRATIVE OFFSET  
12          PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER  
13          PAYMENTS.—Section 3716 of title 31, United States  
14          Code, is amended—

15                 (A) by inserting “the Department of  
16                 Health and Human Services,” after “United  
17                 States Postal Service,” in subsection (c)(1)(A);  
18                 and

19                 (B) by adding at the end of subsection  
20                 (c)(3) the following new subparagraph:

21                         “(D) This section shall apply to payments  
22                         made after the date which is 90 days after the  
23                         enactment of this subparagraph (or such earlier  
24                         date as designated by the Secretary of Health  
25                         and Human Services) with respect to claims or

1           debts, and to amounts payable, under title  
2           XVIII of the Social Security Act.”.

3           (3) EFFECTIVE DATE.—The amendments made  
4           by this subsection shall take effect on the date of the  
5           enactment of this Act.