

104TH CONGRESS  
1ST SESSION

# H. R. 2790

To amend titles XVIII and XIX of the Social Security Act to authorize States to impose fees for the initial certification and survey of health care facilities in order to provide for timely certification of these facilities under the Medicare and Medicaid Programs.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 1995

Mrs. LINCOLN introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to authorize States to impose fees for the initial certification and survey of health care facilities in order to provide for timely certification of these facilities under the Medicare and Medicaid Programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORIZING STATES TO IMPOSE FEES FOR**  
2 **INITIAL FACILITY CERTIFICATION AND SUR-**  
3 **VEY UNDER THE MEDICARE AND MEDICAID**  
4 **PROGRAMS.**

5 (a) **MEDICARE PROGRAM.**—Section 1864(e) of the  
6 Social Security Act (42 U.S.C. 1395aa(e)) is amended—

7 (1) by inserting “(1)” after “(e)”, and

8 (2) by adding at the end the following new  
9 paragraph:

10 “(2)(A) Nothing in paragraph (1) shall be construed  
11 as preventing a State from imposing a fee on any facility  
12 or entity for conducting an initial determination referred  
13 to in paragraph (1) or a survey relating to such initial  
14 determination, so long as such determination or survey is  
15 made by a qualified entity consistent with subsection (a)  
16 and the fee does not exceed an amount equal to the  
17 amount of the expenses (or average of the expenses) of  
18 the State in conducting such a determination and survey.  
19 Such fees may vary by State and by type of entity con-  
20 cerned and may only be used toward the expenses of such  
21 initial determinations and surveys.

22 “(B) The Secretary shall not pay a State under sub-  
23 section (b) for costs of making such determinations and  
24 surveys to the extent fees under this paragraph cover the  
25 reasonable costs of the State in performing such activi-  
26 ties.”.

1 (b) MEDICAID PROGRAM.—Section 1902 of such Act  
2 (42 U.S.C. 1396a) is amended by adding at the end the  
3 following new subsection:

4 “(aa)(1) Nothing in this title shall be construed as  
5 preventing a State from imposing a fee on any facility or  
6 entity for conducting an initial determination or survey  
7 related to such a determination as to whether the facility  
8 or entity meets requirements under this title, so long as  
9 such determination or survey is made by a qualified entity  
10 and the fee does not exceed an amount equal to the  
11 amount of the expenses (or average of the expenses) of  
12 the State in conducting such a determination and survey.  
13 Such fees may vary by type of entity concerned and may  
14 only be used toward the expenses of such initial deter-  
15 minations and surveys.

16 “(2) The Secretary shall not pay a State under sec-  
17 tion 1903(a) for State expenditures in making such deter-  
18 minations and surveys to the extent the fees under this  
19 subsection cover the reasonable costs of the State in per-  
20 forming such activities.”.

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