

104TH CONGRESS
2D SESSION

S. 1901

To amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 1996

Mr. DORGAN (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

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. REPEAL OF REQUIREMENT FOR ANNUAL RESI-**
 2 **DENT REVIEW FOR MENTALLY ILL AND MEN-**
 3 **TALLY RETARDED NURSING FACILITY RESI-**
 4 **DENTS.**

5 (a) IN GENERAL.—Section 1919(e)(7) of the Social
 6 Security Act (42 U.S.C. 1396r(e)(7)) is amended—

7 (1) in subparagraph (B)—

8 (A) by striking “ANNUAL” in the heading,
 9 and

10 (B) by striking clause (iii); and

11 (2) in subparagraph (D)(i), by striking “AN-
 12 NUAL” in the heading.

13 (b) EFFECTIVE DATE.—The amendments made by
 14 subsection (a) shall take effect on the date of the enact-
 15 ment of this Act.

16 **SEC. 2. REQUIREMENT FOR REVIEW IN CASE OF SIGNIFI-**
 17 **CANT CHANGE IN PHYSICAL OR MENTAL**
 18 **CONDITION OF MENTALLY ILL OR MENTALLY**
 19 **RETARDED NURSING FACILITY RESIDENTS.**

20 (a) REQUIREMENT FOR NOTIFICATION OF STATE
 21 AUTHORITY.—Section 1919(b)(3)(E) of the Social Secu-
 22 rity Act (42 U.S.C. 1396r(b)(3)(E)) is amended by adding
 23 at the end the following: “In addition, a nursing facility
 24 shall notify the State mental health authority or State
 25 mental retardation or developmental disability authority,
 26 as applicable, promptly after a significant change in the

1 physical or mental condition of a resident who is mentally
2 ill or mentally retarded.”.

3 (b) REQUIREMENT FOR REVIEW.—Section
4 1919(e)(7)(B) of such Act (42 U.S.C. 1396r(e)(7)(B)), as
5 amended by section 1(a)(1), is amended by inserting after
6 clause (ii) the following new clause:

7 “(iii) REVIEW REQUIRED UPON
8 CHANGE IN RESIDENT’S CONDITION.—A
9 review and determination under clause (i)
10 or (ii) must be conducted promptly after a
11 nursing facility has notified the State men-
12 tal health authority or State mental retar-
13 dation or developmental disability author-
14 ity, as applicable, under subsection
15 (b)(3)(E) with respect to a mentally ill or
16 mentally retarded resident, that there has
17 been a significant change in the resident’s
18 physical or mental condition.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to changes in physical or mental
21 condition occurring on or after the date of the enactment
22 of this Act.

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