

105TH CONGRESS
2^D SESSION

H. R. 4843

To amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities and nursing facilities filing for relief under title 11 of the United States Code to provide to appropriate State agencies written notice of such filing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 1998

Ms. ROYBAL-ALLARD introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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

A BILL

To amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities and nursing facilities filing for relief under title 11 of the United States Code to provide to appropriate State agencies written notice of such filing, 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 “Nursing Home Resi-
5 dents Protection Act of 1998”.

1 **SEC. 2. REQUIRED NOTICE IN CASE OF SKILLED NURSING**
2 **FACILITIES OR NURSING FACILITIES FILING**
3 **FOR BANKRUPTCY.**

4 (a) SKILLED NURSING FACILITIES.—Section
5 1819(c)(2) of the Social Security Act (42 U.S.C. 1395i–
6 3(c)(2)) is amended by adding at the end the following
7 new subparagraph:

8 “(D) NOTICES IN CASE OF FILING FOR
9 RELIEF UNDER BANKRUPTCY LAWS.—

10 “(i) NOTICE OF FILING.—A person or
11 entity having a controlling interest in a
12 skilled nursing facility that files a petition
13 for relief from the debts of the facility
14 under title 11 of the United States Code
15 (relating to bankruptcy) shall provide writ-
16 ten notification of such filing to the State
17 agency responsible for the licensing of the
18 facility. Such notification shall be made
19 not later than one day after the date on
20 which the facility files such petition, and
21 shall include the location of the court in
22 which the petition is filed.

23 “(ii) NOTICE OF APPOINTMENT OF
24 TRUSTEE.—Not later than one day after
25 the date of the appointment of a bank-
26 ruptcy trustee by reason of the filing of the

1 petition, such person or entity shall provide
2 written notification to such State agency of
3 the name, address, and telephone number
4 of the bankruptcy trustee.

5 “(iii) NOTICE FROM STATE AGENCY
6 TO TRUSTEE.—Not later than three days
7 after the date the State agency receives no-
8 tification under clause (ii), the State agen-
9 cy shall provide to the bankruptcy trustee
10 written notification of all applicable laws
11 and regulations governing the lawful oper-
12 ation of a nursing facility in that state.”.

13 (b) NURSING FACILITIES.—Section 1919(c)(2) of
14 such Act (42 U.S.C. 1396r(c)(2)) is amended by adding
15 at the end the following new subparagraph:

16 “(F) NOTICES IN CASE OF FILING FOR
17 RELIEF UNDER BANKRUPTCY LAWS.—

18 “(i) NOTICE OF FILING.—A person or
19 entity having a controlling interest in a
20 nursing facility that files a petition for re-
21 lief from the debts of the facility under
22 title 11 of the United States Code (relating
23 to bankruptcy) shall provide written notifi-
24 cation of such filing to the State agency
25 responsible for the licensing of the facility.

1 Such notification shall be made not later
2 than one day after the date on which the
3 facility files such petition, and shall include
4 the location of the court in which the peti-
5 tion is filed.

6 “(ii) NOTICE OF APPOINTMENT OF
7 TRUSTEE.—Not later than one day after
8 the date of the appointment of a bank-
9 ruptcy trustee by reason of the filing of the
10 petition, such person or entity shall provide
11 written notification to such State agency of
12 the name, address, and telephone number
13 of the bankruptcy trustee.

14 “(iii) NOTICE FROM STATE AGENCY
15 TO TRUSTEE.—Not later than three days
16 after the date the State agency receives no-
17 tification under clause (ii), the State agen-
18 cy shall provide to the bankruptcy trustee
19 written notification of all applicable laws
20 and regulations governing the lawful oper-
21 ation of a nursing facility in that state.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 180 days after the date of
24 the enactment of this Act.

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