To amend title XI of the Social Security Act to provide the Secretary of Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during the COVID public health emergency.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title XI of the Social Security Act to provide the Secretary of Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during the COVID public health emergency.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID-19 Hospice
Respite Care Relief Act of 2020”.
SEC. 2. SECRETARIAL AUTHORITY TO TEMPORARILY MODIFY CERTAIN MEDICARE REQUIREMENTS FOR HOSPICE CARE DURING THE COVID PUBLIC HEALTH EMERGENCY.

(a) Authority.—The first sentence of section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) the limitations under section 1861(dd)(1)(G) that respite care—

“(A) may only be provided in an inpatient setting; and

“(B) may not be provided consecutively for more than five days (except that the Secretary may not increase the number of consecutive days to more than 15 days).”).

(b) Emergency Period.—Section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) is amended, in the matter preceding clause (i), by striking “subsection (b)(8)” and inserting “paragraphs (8) and (9) of subsection (b)”.
(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by interim final rule, program instruction, or otherwise.