

## Calendar No. 465

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 5712**

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IN THE SENATE OF THE UNITED STATES

JULY 15, 2010

Received and read the first time

JULY 19, 2010

Read the second time and placed on the calendar

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**AN ACT**

To provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

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 "Veterans', Seniors',  
5 and Children's Health Technical Corrections Act of  
6 2010".

1 **SEC. 2. CLARIFICATION OF EFFECTIVE DATE OF PART B**  
2 **SPECIAL ENROLLMENT PERIOD FOR DIS-**  
3 **ABLED TRICARE BENEFICIARIES.**

4 Effective as if included in the enactment of Public  
5 Law 111–148, section 3110(a)(2) of such Act is amended  
6 to read as follows:

7 “(2) EFFECTIVE DATE.—The amendment made  
8 by paragraph (1) shall apply to elections made on  
9 and after the date of the enactment of this Act.”.

10 **SEC. 3. REPEAL OF DELAY OF RUG-IV.**

11 Effective as if included in the enactment of Public  
12 Law 111–148, section 10325 of such Act is repealed.

13 **SEC. 4. CLARIFICATION FOR AFFILIATED HOSPITALS FOR**  
14 **DISTRIBUTION OF ADDITIONAL RESIDENCY**  
15 **POSITIONS.**

16 Effective as if included in the enactment of section  
17 5503(a) of Public Law 111–148, section 1886(h)(8) of the  
18 Social Security Act (42 U.S.C. 1395ww(h)(8)), as added  
19 by such section 5503(a), is amended by adding at the end  
20 the following new subparagraph:

21 “(I) AFFILIATION.—The provisions of this  
22 paragraph shall be applied to hospitals which  
23 are members of the same affiliated group (as  
24 defined by the Secretary under paragraph  
25 (4)(H)(ii)) and the reference resident level for  
26 each such hospital shall be the reference resi-

1           dent level with respect to the cost reporting pe-  
2           riod that results in the smallest difference be-  
3           tween the reference resident level and the other-  
4           wise applicable resident limit.”.

5 **SEC. 5. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEF-**  
6                   **INITION OF COVERED OUTPATIENT DRUGS**  
7                   **WITH RESPECT TO CHILDREN’S HOSPITALS**  
8                   **UNDER THE 340B DRUG DISCOUNT PROGRAM.**

9           (a) DEFINITION OF COVERED OUTPATIENT DRUG.—

10           (1) AMENDMENT.—Subsection (e) of section  
11           340B of the Public Health Service Act (42 U.S.C.  
12           256b) is amended by striking “covered entities de-  
13           scribed in subparagraph (M)” and inserting “cov-  
14           ered entities described in subparagraph (M) (other  
15           than a children’s hospital described in subparagraph  
16           (M))”.

17           (2) EFFECTIVE DATE.—The amendment made  
18           by paragraph (1) shall take effect as if included in  
19           the enactment of section 2302 of the Health Care  
20           and Education Reconciliation Act of 2010 (Public  
21           Law 111–152).

22           (b) TECHNICAL AMENDMENT.—Subparagraph (B) of  
23           section 1927(a)(5) of the Social Security Act (42 U.S.C.  
24           1396r–8(a)(5)) is amended by striking “and a children’s

1 hospital” and all that follows through the end of the sub-  
2 paragraph and inserting a period.

3 **SEC. 6. MEDICAID AND CHIP TECHNICAL CORRECTIONS.**

4 (a) REPEAL OF EXCLUSION OF CERTAIN INDIVID-  
5 UALS AND ENTITIES FROM MEDICAID.—Section 6502 of  
6 Public Law 111–148 is repealed and the provisions of law  
7 amended by such section are restored as if such section  
8 had never been enacted. Nothing in the previous sentence  
9 shall affect the execution or placement of the insertion  
10 made by section 6503 of such Act.

11 (b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER  
12 MEDICAID.—Effective as if included in the enactment of  
13 Public Law 111–148, section 2001(a)(5)(B) of such Act  
14 is amended by striking all that follows “is amended” and  
15 inserting the following: “by inserting after ‘100 percent’  
16 the following: ‘(or, beginning January 1, 2014, 133 per-  
17 cent)’.”.

18 (c) CALCULATION AND PUBLICATION OF PAYMENT  
19 ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—  
20 Section 601(b) of the Children’s Health Insurance Pro-  
21 gram Reauthorization Act of 2009 (Public Law 111–3)  
22 is amended by adding at the end the following: “The Sec-  
23 retary is not required under this subsection to calculate  
24 or publish a national or a State-specific error rate for fis-  
25 cal year 2009 or fiscal year 2010.”.

1 (d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION  
2 OF CHILDREN OF CERTAIN EMPLOYEES.—Section  
3 2110(b)(6) of the Social Security Act (42 U.S.C.  
4 1397jj(b)(6)) is amended—

5 (1) in subparagraph (B)—

6 (A) by striking “PER PERSON” in the  
7 heading; and

8 (B) by striking “each employee” and in-  
9 serting “employees”; and

10 (2) in subparagraph (C), by striking “, on a  
11 case-by-case basis,”.

12 (e) ELECTRONIC HEALTH RECORDS.—Effective as if  
13 included in the enactment of section 4201(a)(2) of the  
14 American Recovery and Reinvestment Act of 2009 (Public  
15 Law 111–5), section 1903(t) of the Social Security Act  
16 (42 U.S.C. 1396b(t)) is amended—

17 (1) in paragraph (3)(E), by striking “reduced  
18 by any payment that is made to such Medicaid pro-  
19 vider from any other source (other than under this  
20 subsection or by a State or local government)” and  
21 inserting “reduced by the average payment the Sec-  
22 retary estimates will be made to such Medicaid pro-  
23 viders (determined on a percentage or other basis  
24 for such classes or types of providers as the Sec-  
25 retary may specify) from other sources (other than

1 under this subsection, or by the Federal government  
2 or a State or local government)”; and

3 (2) in paragraph (6)(B), by inserting before the  
4 period the following: “and shall be determined to  
5 have met such responsibility to the extent that the  
6 payment to the Medicaid provider is not in excess of  
7 85 percent of the net average allowable cost”.

8 (f) CORRECTIONS OF DESIGNATIONS.—

9 (1) Section 1902 of the Social Security Act (42  
10 U.S.C. 1396a) is amended—

11 (A) in subsection (a)(10), in the matter  
12 following subparagraph (G), by striking “and”  
13 before “(XVI) the medical” and by striking  
14 “(XVI) if” and inserting “(XVII) if”; and

15 (B) in subsection (ii)(2), by striking  
16 “(XV)” and inserting “(XVI)”.

17 (2) Section 2107(e)(1) of the Social Security  
18 Act (42 U.S.C. 1397gg(e)(1)) is amended by redес-  
19 ignating the subparagraph (N) of that section added  
20 by 2101(e) of Public Law 111–148 as subparagraph  
21 (O).

22 **SEC. 7. FUNDING FOR CLAIMS REPROCESSING.**

23 For purposes of carrying out the provisions of, and  
24 amendments made by, this Act that relate to title XVIII  
25 of the Social Security Act, and other provisions relating

1 to such title that involve reprocessing of claims, there are  
2 appropriated to the Secretary of Health and Human Serv-  
3 ices for the Centers for Medicare & Medicaid Services Pro-  
4 gram Management Account, from amounts in the general  
5 fund of the Treasury not otherwise appropriated,  
6 \$95,000,000. Amounts appropriated under the preceding  
7 sentence shall remain available until expended.

8 **SEC. 8. EXTENSION OF SECTION 508 RECLASSIFICATIONS.**

9 (a) IN GENERAL.—Section 106(a) of division B of  
10 the Tax Relief and Health Care Act of 2006 (42 U.S.C.  
11 1395 note), as amended by section 117 of the Medicare,  
12 Medicaid, and SCHIP Extension Act of 2007 (Public Law  
13 110–173), section 124 of the Medicare Improvements for  
14 Patients and Providers Act of 2008 (Public Law 110–  
15 275), and sections 3137(a) and 10317 of Public Law 111–  
16 148, is amended by striking “September 30, 2010” and  
17 inserting “September 30, 2011”.

18 (b) CONFORMING AMENDMENT.—Section 117(a)(3)  
19 of the Medicare, Medicaid, and SCHIP Extension Act of  
20 2007 (Public Law 110–173), is amended by inserting “in  
21 fiscal years 2008 and 2009” after “For purposes of imple-  
22 mentation of this subsection”.

23 **SEC. 9. REVISION TO THE MEDICARE IMPROVEMENT FUND.**

24 Section 1898(b)(1) of the Social Security Act (42  
25 U.S.C. 1395iii(b)(1)) is amended by striking subpara-

1 graphs (A) and (B) and inserting the following subpara-  
2 graphs:

3                   “(A) fiscal year 2015, \$0;

4                   “(B) fiscal year 2016, \$125,000,000;

5                   and”.

6 **SEC. 10. PAYGO COMPLIANCE.**

7           The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the House Budget Committee, pro-  
13 vided that such statement has been submitted prior to the  
14 vote on passage.

Passed the House of Representatives July 14, 2010.

Attest:

LORRAINE C. MILLER,

*Clerk.*

By DEBORAH M. SPRIGGS,

*Deputy Clerk.*





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