

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To amend title XIX of the Social Security Act to require States to provide to the Secretary of Health and Human Services certain information with respect to provider terminations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XIX of the Social Security Act to require States to provide to the Secretary of Health and Human Services certain information with respect to provider terminations, 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 “Ensuring Terminated
5 Providers are Removed from Medicaid and CHIP Act”.

1 **SEC. 2. REPORTING ON TERMINATION OF MEDICAID PRO-**
2 **VIDERS.**

3 (a) IN GENERAL.—Section 1902(a)(39) of the Social
4 Security Act (42 U.S.C. 1396a(a)(39)) is amended—

5 (1) by striking “provide that the State agency”
6 and inserting the following: “provide—

7 “(A) that the State agency”;

8 (2) by striking “title XVIII or any other State
9 plan under this title” and inserting “title XVIII, any
10 other State plan under this title, or any State child
11 health plan under title XXI”; and

12 (3) by adding at the end the following new sub-
13 paragraphs:

14 “(B) beginning 180 days after the date of
15 the enactment of this subparagraph, in the case
16 of a termination for cause of the participation
17 of any individual or entity in the program
18 under the State plan under subparagraph (A),
19 that the State agency shall, not later than 14
20 business days after the date of such termi-
21 nation, submit to the Secretary with respect to
22 any such individual or entity—

23 “(i) the name of such individual or
24 entity;

25 “(ii) the provider type of such indi-
26 vidual or entity;

1 “(iii) the specialty of such individual’s
2 or entity’s practice;

3 “(iv) the date of birth, social security
4 number, national provider identifier, Fed-
5 eral taxpayer identification number, and
6 the State license or certification number of
7 such individual or entity;

8 “(v) the reason for the termination;
9 and

10 “(vi) a copy of the notice of termi-
11 nation sent to the individual or entity;

12 “(C) with respect to managed care entities
13 (as defined in section 1932(a)(1)), beginning on
14 the later of the date that is 180 days after the
15 date of the enactment of this subparagraph or
16 the first day of the first plan year for such an
17 entity that begins after such date of enactment
18 that any contract the State plan has with any
19 such entity shall include a provision that indi-
20 viduals terminated for cause from participation
21 under the program under title XVIII, this title,
22 or title XXI be terminated from participation in
23 the provider networks of managed care entities
24 under this title;

1 “(D) for the period beginning on the date
2 that is 180 days after the date of the enact-
3 ment of this subparagraph and ending on the
4 date on which the registration of providers
5 under paragraph (5) of section 1932(d) is com-
6 plete for the State, for a system for notifying
7 managed care entities (as defined in section
8 1932(a)(1)) of the termination of individuals or
9 entities from participation under the program
10 under title XVIII, this title, or title XXI; and

11 “(E) beginning 2 years after the date of
12 the enactment of this subparagraph, payment
13 to the Secretary equal to the amount of the
14 Federal share of any payments made by the
15 State (including payments made through a
16 managed care arrangement) to any individual
17 or entity whose participation in the program
18 under the State plan is terminated for cause
19 under subparagraph (A) after the date that is
20 60 days after the date on which such termi-
21 nation is included in the database or other sys-
22 tem under subsection (I);”.

23 (b) DEVELOPMENT OF UNIFORM TERMINOLOGY FOR
24 REASONS FOR PROVIDER TERMINATION.—Not later than
25 180 days after the date of the enactment of this Act, the

1 Secretary shall issue regulations establishing uniform ter-
2 minology to be used with respect to specifying reasons
3 under subparagraph (B) of section 1902(a)(39) of such
4 Act (42 U.S.C. 1396a(a)(39)) for the termination of the
5 participation of certain providers in the Medicaid program
6 under title XIX or the Children’s Health Insurance Pro-
7 gram under title XXI of such Act.

8 (c) TERMINATION NOTIFICATION DATABASE.—Sec-
9 tion 1902 of the Social Security Act (42 U.S.C. 1396a)
10 is amended by adding at the end the following new sub-
11 section:

12 “(1) TERMINATION NOTIFICATION DATABASE.—In
13 the case of an individual or entity whose participation in
14 the program under title XVIII, this title, or title XXI is
15 terminated for cause under subsection (a)(39), the Sec-
16 retary shall, not later than 14 business days after the date
17 on which the Secretary is notified of such termination, in-
18 clude such termination in any database or similar system
19 developed pursuant to section 6401(b)(2) of the Patient
20 Protection and Affordable Care Act (Public Law 111–148;
21 42 U.S.C. 1395cc note).”.

22 (d) REGISTRATION OF PROVIDERS PARTICIPATING
23 THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—
24 Section 1932(d) of the Social Security Act (42 U.S.C.

1 1396u–2(d)) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(5) REGISTRATION OF PARTICIPATING PRO-
4 VIDERS.—

5 “(A) IN GENERAL.—Beginning not later
6 than one year after the date of the enactment
7 of this paragraph, a State shall require that, as
8 a condition on the participation in the provider
9 network of a managed care entity of a provider
10 that provides services to individuals who are eli-
11 gible for medical assistance under the State
12 plan under this title and who are enrolled with
13 the entity, the provider registers with the State
14 agency administering the State plan under this
15 title. Such registration shall include providing
16 to the State agency the provider’s identifying
17 information, including the name, specialty, date
18 of birth, social security number, national pro-
19 vider identifier, Federal taxpayer identification
20 number, and the State license or certification
21 number of the provider.

22 “(B) RULE OF CONSTRUCTION.—Nothing
23 in subparagraph (A) shall be construed as re-
24 quiring a provider described in such subpara-
25 graph to provide services to individuals who are

1 not enrolled with a managed care entity under
2 this title.”.

3 (e) CONFORMING AMENDMENTS TO CHIP.—Section
4 2107(e)(1) of the Social Security Act (42 U.S.C.
5 1397gg(e)(1)) is amended—

6 (1) by redesignating subparagraphs (B)
7 through (O) as subparagraphs (C) through (P), re-
8 spectively;

9 (2) by inserting after subparagraph (A) the fol-
10 lowing new subparagraph:

11 “(B) Section 1902(a)(39) (relating to ter-
12 mination of participation of certain pro-
13 viders).”; and

14 (3) in subparagraph (N) (as redesignated by
15 paragraph (1)), by striking “(a)(2)(C) and (h)” and
16 inserting “(a)(2)(C) (relating to Indian enrollment),
17 (d)(5) (relating to registration of providers partici-
18 pating with a managed care entity), and (h) (relat-
19 ing to special rules with respect to Indian enrollees,
20 Indian health care providers, and Indian managed
21 care entities)”.