

104TH CONGRESS
1ST SESSION

S. 210

To amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals.

IN THE SENATE OF THE UNITED STATES

JANUARY 12 (legislative day, JANUARY 10), 1995

Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. STEVENS, Mr. INOUE, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals.

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 “Rural Emergency Ac-
5 cess Care Hospital Act of 1995”.

1 **SEC. 2. RURAL EMERGENCY ACCESS CARE HOSPITALS DE-**
2 **SCRIBED.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended by adding at the
5 end the following new subsection:

6 “Rural Emergency Access Care Hospital; Rural
7 Emergency Access Care Hospital Services

8 “(oo)(1) The term ‘rural emergency access care hos-
9 pital’ means, for a fiscal year, a facility with respect to
10 which the Secretary finds the following:

11 “(A) The facility is located in a rural area (as
12 defined in section 1886(d)(2)(D)).

13 “(B) The facility was a hospital under this title
14 at any time during the 5-year period that ends on
15 the date of the enactment of this subsection.

16 “(C) The facility is in danger of closing due to
17 low inpatient utilization rates and negative operating
18 losses, and the closure of the facility would limit the
19 access of individuals residing in the facility’s service
20 area to emergency services.

21 “(D) The facility has entered into (or plans to
22 enter into) an agreement with a hospital with a par-
23 ticipation agreement in effect under section 1866(a),
24 and under such agreement the hospital shall accept
25 patients transferred to the hospital from the facility

1 and receive data from and transmit data to the facil-
2 ity.

3 “(E) There is a practitioner who is qualified to
4 provide advanced cardiac life support services (as de-
5 termined by the State in which the facility is lo-
6 cated) on-site at the facility on a 24-hour basis.

7 “(F) A physician is available on-call to provide
8 emergency medical services on a 24-hour basis.

9 “(G) The facility meets such staffing require-
10 ments as would apply under section 1861(e) to a
11 hospital located in a rural area, except that—

12 “(i) the facility need not meet hospital
13 standards relating to the number of hours dur-
14 ing a day, or days during a week, in which the
15 facility must be open, except insofar as the fa-
16 cility is required to provide emergency care on
17 a 24-hour basis under subparagraphs (E) and
18 (F); and

19 “(ii) the facility may provide any services
20 otherwise required to be provided by a full-time,
21 on-site dietician, pharmacist, laboratory techni-
22 cian, medical technologist, or radiological tech-
23 nologist on a part time, off-site basis.

24 “(H) The facility meets the requirements appli-
25 cable to clinics and facilities under subparagraphs

1 (C) through (J) of paragraph (2) of section
2 1861(aa) and of clauses (ii) and (iv) of the second
3 sentence of such paragraph (or, in the case of the
4 requirements of subparagraph (E), (F), or (J) of
5 such paragraph, would meet the requirements if any
6 reference in such subparagraph to a ‘nurse practi-
7 tioner’ or to ‘nurse practitioners’ was deemed to be
8 a reference to a ‘nurse practitioner or nurse’ or to
9 ‘nurse practitioners or nurses’); except that in deter-
10 mining whether a facility meets the requirements of
11 this subparagraph, subparagraphs (E) and (F) of
12 that paragraph shall be applied as if any reference
13 to a ‘physician’ is a reference to a physician as de-
14 fined in section 1861(r)(1).

15 “(2) The term ‘rural emergency access care hospital
16 services’ means the following services provided by a rural
17 emergency access care hospital:

18 “(A) An appropriate medical screening exam-
19 ination (as described in section 1867(a)).

20 “(B) Necessary stabilizing examination and
21 treatment services for an emergency medical condi-
22 tion and labor (as described in section 1867(b)).”.

23 (b) REQUIRING RURAL EMERGENCY ACCESS CARE
24 HOSPITALS TO MEET HOSPITAL ANTI-DUMPING RE-
25 QUIREMENTS.—Section 1867(e)(5) of such Act (42 U.S.C.

1 1395dd(e)(5)) is amended by striking “1861(mm)(1))”
2 and inserting “1861(mm)(1)) and a rural emergency ac-
3 cess care hospital (as defined in section 1861(oo)(1))”.

4 **SEC. 3. COVERAGE OF AND PAYMENT FOR SERVICES.**

5 (a) COVERAGE UNDER PART B.—Section 1832(a)(2)
6 of the Social Security Act (42 U.S.C. 1395k(a)(2)) is
7 amended—

8 (1) by striking “and” at the end of subpara-
9 graph (I);

10 (2) by striking the period at the end of sub-
11 paragraph (J) and inserting “; and”; and

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

14 “(K) rural emergency access care hospital
15 services (as defined in section 1861(oo)(2)).”.

16 (b) PAYMENT BASED ON PAYMENT FOR OUTPATIENT
17 RURAL PRIMARY CARE HOSPITAL SERVICES.—

18 (1) IN GENERAL.—Section 1833(a)(6) of the
19 Social Security Act (42 U.S.C. 1395l(a)(6)) is
20 amended by striking “services,” and inserting “serv-
21 ices and rural emergency access care hospital serv-
22 ices,”.

23 (2) PAYMENT METHODOLOGY DESCRIBED.—
24 Section 1834(g) of such Act (42 U.S.C. 1395m(g))
25 is amended—

1 (A) in the heading, by striking “SERV-
2 ICES” and inserting “SERVICES AND RURAL
3 EMERGENCY ACCESS CARE HOSPITAL SERV-
4 ICES”; and

5 (B) by adding at the end the following new
6 paragraph:

7 “(3) APPLICATION OF METHODS TO PAYMENT
8 FOR RURAL EMERGENCY ACCESS CARE HOSPITAL
9 SERVICES.—The amount of payment for rural emer-
10 gency access care hospital services provided during
11 a year shall be determined using the applicable
12 method provided under this subsection for determin-
13 ing payment for outpatient rural primary care hos-
14 pital services during the year.”.

15 **SEC. 4. EFFECTIVE DATE.**

16 The amendments made by this Act shall apply to fis-
17 cal years beginning on or after October 1, 1995.

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