

# Union Calendar No. 302

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4618

**[Report No. 116–326, Parts I and II]**

To amend title XVIII of the Social Security Act to provide coverage for certain hearing items and services under part B of the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2019

Mrs. MCBATH (for herself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

DECEMBER 6, 2019

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JANUARY 24, 2020

Additional sponsors: Ms. CASTOR of Florida, Mr. CUELLAR, Ms. NORTON, Mr. HIGGINS of New York, and Mr. WELCH

JANUARY 24, 2020

Reported from the Committee on Energy and Commerce, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 8, 2019]

# **A BILL**

To amend title XVIII of the Social Security Act to provide coverage for certain hearing items and services under part B of the Medicare 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 “Medicare Hearing Act*  
5 *of 2019”.*

6 **SEC. 2. PROVIDING COVERAGE FOR HEARING CARE UNDER**  
7 **THE MEDICARE PROGRAM.**

8 *(a) PROVISION OF AURAL REHABILITATION AND*  
9 *TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—*  
10 *Section 1861(l)(3) of the Social Security Act (42 U.S.C.*  
11 *1395x(l)(3)) is amended by inserting “(and, beginning*  
12 *January 1, 2022, such aural rehabilitation and treatment*  
13 *services)” after “assessment services”.*

14 *(b) COVERAGE OF HEARING AIDS.—*

15 *(1) INCLUSION OF HEARING AIDS AS PROS-*  
16 *THETIC DEVICES.—Section 1861(s)(8) of the Social*  
17 *Security Act (42 U.S.C. 1395x(s)(8)) is amended by*  
18 *inserting “, and including hearing aids furnished on*  
19 *or after January 1, 2022, to individuals diagnosed*  
20 *with profound or severe hearing loss” before the semi-*  
21 *colon at the end.*

22 *(2) PAYMENT LIMITATIONS FOR HEARING*  
23 *AIDS.—Section 1834(h) of the Social Security Act (42*  
24 *U.S.C. 1395m(h)) is amended by adding at the end*  
25 *the following new paragraph:*

1           “(6) *LIMITATIONS FOR HEARING AIDS.—Payment*  
 2           *may be made under this part with respect to an*  
 3           *individual, with respect to hearing aids furnished on*  
 4           *or after January 1, 2022—*

5                   “(A) *not more than once during any 5-year*  
 6           *period;*

7                   “(B) *only for types of such hearing aids*  
 8           *that are not over-the-counter hearing aids (as de-*  
 9           *defined in section 520(q)(1) of the Federal Food,*  
 10           *Drug, and Cosmetic Act) and that are deter-*  
 11           *mined appropriate by the Secretary; and*

12                   “(C) *only if furnished pursuant to a writ-*  
 13           *ten order of a physician or qualified audiologist*  
 14           *(as defined in section 1861(l)(4)(B)).”.*

15           (3) *APPLICATION OF COMPETITIVE ACQUISI-*  
 16           *TION.—*

17                   (A) *IN GENERAL.—Section 1834(h)(1)(H) of*  
 18           *the Social Security Act (42 U.S.C.*  
 19           *1395m(h)(1)(H)) is amended—*

20                           (i) *in the header, by inserting “AND*  
 21           *HEARING AIDS” before the semicolon;*

22                           (ii) *by inserting “and of hearing aids*  
 23           *described in paragraph (2)(D) of such sec-*  
 24           *tion,” after “2009,”; and*

1           (iii) in clause (i), by inserting “or  
2           such hearing aids” after “such orthotics”.

3           (B) CONFORMING AMENDMENT.—

4           (i) IN GENERAL.—Section 1847(a)(2)  
5           of the Social Security Act (42 U.S.C.  
6           1395w-3(a)(2)) is amended by adding at  
7           the end the following new subparagraph:

8           “(D) HEARING AIDS.—Hearing aids for  
9           which payment would otherwise be made under  
10          section 1834(h).”.

11          (ii) EXEMPTION OF CERTAIN ITEMS  
12          FROM COMPETITIVE ACQUISITION.—Section  
13          1847(a)(7) of the Social Security Act (42  
14          U.S.C. 1395w-3(a)(7)) is amended by add-  
15          ing at the end the following new subpara-  
16          graph:

17          “(C) CERTAIN HEARING AIDS.—Those items  
18          and services described in paragraph (2)(D) if  
19          furnished by a physician or other practitioner  
20          (as defined by the Secretary) to the physician’s  
21          or practitioner’s own patients as part of the phy-  
22          sician’s or practitioner’s professional service.”.

23          (4) INCLUSION OF AUDIOLOGISTS AS CERTAIN  
24          PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGN-  
25          MENT-RELATED BASIS.—Section 1842(b)(18)(C) of the

1       *Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is*  
2       *amended by adding at the end the following new*  
3       *clause:*

4                       “(vii) *With respect to 2022 and each*  
5                       *subsequent year, a qualified audiologist (as*  
6                       *defined in section 1861(l)(4)(B)).”.*

7       (c) *EXCLUSION MODIFICATION.*—*Section 1862(a)(7) of*  
8       *the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended*  
9       *by inserting “(except such hearing aids or examinations as*  
10       *described in and otherwise allowed under section*  
11       *1861(s)(8))” after “hearing aids or examinations therefor”.*

12       **SEC. 3. IMPLEMENTATION FUNDING.**

13       *The Secretary of Health and Human Services shall*  
14       *provide for the transfer from the Federal Supplementary*  
15       *Medical Insurance Trust Fund under section 1841 of the*  
16       *Social Security Act (42 U.S.C. 1395t) to the Centers for*  
17       *Medicare & Medicaid Services Program Management Ac-*  
18       *count for the period of 2020 through 2024 of such sums as*  
19       *may be necessary for purposes of implementing the amend-*  
20       *ments made by section 2.*

21       **SEC. 4. REPORT.**

22       (a) *REPORT.*—*Not later than the date that is 2 years*  
23       *after the date of the enactment of the Medicare Hearing Act*  
24       *of 2019, the Inspector General of the Department of Health*  
25       *and Human Services shall—*

1           (1) *determine the feasibility of qualified audiologists*  
2           *(as defined in paragraph (4)(B) of 1861(l) of*  
3           *the Social Security Act (42 U.S.C. 1395x(l))) furnishing*  
4           *audiology services (as defined in paragraph*  
5           *(3) of such section) to individuals entitled to benefits*  
6           *under part A of title XVIII of such Act (42 U.S.C.*  
7           *1395c et seq.) and enrolled for benefits under part B*  
8           *of such title (42 U.S.C.1395j et seq.) without such in-*  
9           *dividuals being referred by a physician (as defined in*  
10           *section 1861(r) of such Act (42 U.S.C. 1395x(r))) or*  
11           *practitioner (as described in section 1842(b)(18)(C) of*  
12           *such Act (42 U.S.C. 1395u(b)(18)(C))) to qualified*  
13           *audiologists; and*

14           (2) *submit to the Secretary of Health and*  
15           *Human Services a report on the feasibility of the re-*  
16           *ferred described in paragraph (1) and any program*  
17           *integrity or overutilization concerns with respect to*  
18           *such referral.*

19           (b) *REGULATIONS.—The Secretary of Health and*  
20           *Human Services may promulgate regulations to allow*  
21           *qualified audiologists to furnish audiology services without*  
22           *a referral from a physician or practitioner, consistent with*  
23           *the findings submitted to the Secretary pursuant to sub-*  
24           *section (a)(2).*

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