

115TH CONGRESS
2D SESSION

H. R. 7391

To amend title XVIII of the Social Security Act to provide for coverage of rural emergency medical access services under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2018

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of rural emergency medical access services under the Medicare program, 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 “Rural Hospital Free-
5 dom and Flexibility Act of 2018”.

6 **SEC. 2. MEDICARE RURAL EMERGENCY ACCESS CENTERS**
7 **AND SERVICES.**

8 (a) IN GENERAL.—

1 (1) RURAL EMERGENCY ACCESS CENTER AND
2 SERVICES DEFINED.—Section 1861 of the Social Se-
3 curity Act (42 U.S.C. 1395x) is amended—

4 (A) in subsection (e), in the last sentence
5 of the matter following paragraph (9), by in-
6 sserting “or a rural emergency access center (as
7 defined in subsection (kkk)(1))” before the pe-
8 riod at the end; and

9 (B) by adding at the end the following sub-
10 section:

11 “Rural Emergency Access Center; Rural Access Medical
12 Center Services

13 “(kkk)(1) The term ‘rural emergency access center’
14 means a facility that—

15 “(A) was a critical access hospital as of the
16 date of the enactment of this subsection;

17 “(B) provides 24-hour emergency medical care
18 and observation care that does not exceed an annual
19 per patient average of 24 hours or more than 1 mid-
20 night;

21 “(C) does not provide any acute care inpatient
22 beds and has protocols in place for the timely trans-
23 fer of patients who require acute care inpatient serv-
24 ices or other inpatient services;

1 “(D) provides for the transport of patients who
2 require acute care inpatient services or other inpa-
3 tient services from the rural emergency access center
4 to a hospital or critical access hospital, either by the
5 rural emergency access center’s ambulance service
6 provider or through another ambulance service sup-
7 plier;

8 “(E) has elected to be designated as a rural
9 emergency access center;

10 “(F) has been licensed by, or received approval
11 to operate as a qualified emergency medical center
12 from, the State under paragraph (3); and

13 “(G) is certified by the Secretary under para-
14 graph (4).

15 “(2) The term ‘rural emergency access center serv-
16 ices’ means medical and other health services furnished
17 by a rural emergency access center on an outpatient basis.

18 “(3) A facility may not operate as a rural emergency
19 access center unless the facility—

20 “(A) is located in a State that provides for the
21 licensing of emergency medical centers under State
22 or applicable local law; and

23 “(B)(i) is licensed pursuant to such law; or

1 “(ii) is approved by the agency of such State or
2 locality responsible for licensing hospitals, as meet-
3 ing the standards established for such licensing.

4 “(4) The Secretary shall certify a facility as a rural
5 emergency access center if the facility—

6 “(A) meets the criteria for rural emergency ac-
7 cess center described in subparagraphs (A) through
8 (F) of paragraph (1);

9 “(B) has in effect a transfer agreement with a
10 level I or level II trauma center; and

11 “(C) meets such staff training and certification
12 requirements as the Secretary may require.

13 “(5) A facility certified by the Secretary as a rural
14 emergency access center shall be deemed to be a critical
15 access hospital for purposes of section 340B of the Public
16 Health Service Act.”.

17 (2) PAYMENT FOR RURAL EMERGENCY ACCESS
18 CENTER SERVICES.—

19 (A) IN GENERAL.—Section 1833(a) of the
20 Social Security Act (42 U.S.C. 1395l(a)) is
21 amended—

22 (i) in paragraph (8), by striking
23 “and” at the end;

1 (ii) in paragraph (9), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by inserting after paragraph (9)
5 the following new paragraph:

6 “(10) in the case of rural emergency access cen-
7 ter services and services provided by a rural emer-
8 gency access center ambulance service provider or
9 another ambulance service supplier to transport pa-
10 tients who require acute care inpatient services or
11 other inpatient services from such rural emergency
12 access center to a hospital or critical access hospital,
13 the amounts described in section 1834(x).”.

14 (B) PAYMENT AMOUNT.—Section 1834 of
15 the Social Security Act (42 U.S.C. 1395m) is
16 amended by adding at the end the following
17 subsection:

18 “(x) PAYMENT RULES RELATING TO RURAL EMER-
19 GENCY ACCESS CENTERS.—

20 “(1) PAYMENT FOR RURAL EMERGENCY ACCESS
21 CENTER OUTPATIENT SERVICES.—The amount of
22 payment for rural emergency access center services
23 of a rural emergency access center is determined as
24 follows:

1 “(A) FACILITY FEE.—With respect to fa-
2 cility services (other than services for which
3 payment is made under subparagraph (B)), the
4 sum of the following:

5 “(i) OPPS RATE.—The amount of
6 payment that would otherwise apply under
7 section 1833(t) for covered OPD services
8 (as defined in section 1833(t)(1)(B) (other
9 than clause (ii) of such section)).

10 “(ii) ADDITIONAL FEE.—An addi-
11 tional facility payment in an amount deter-
12 mined appropriate by the Secretary that
13 takes into account the low volume of serv-
14 ices provided by such center and the low
15 number of individuals served by such cen-
16 ter.

17 “(B) PROFESSIONAL SERVICES.—With re-
18 spect to professional services, the amount of
19 payment that would otherwise be made under
20 this part (other than under section
21 1833(t)(21)) for such services.

22 “(2) PAYMENT FOR TRANSPORTATION SERV-
23 ICES.—The payment amount for ambulance services
24 provided by a rural emergency access center ambu-
25 lance service provider or another ambulance service

1 supplier to transport patients who require acute care
2 inpatient services or other inpatient services from
3 such rural emergency access center to a hospital or
4 critical access hospital is equal to the sum of—

5 “(A) the amount that would otherwise be
6 paid for such ambulance services under section
7 1834(l); and

8 “(B) an additional amount determined ap-
9 propriate by the Secretary.”

10 (b) CONDITIONS OF PARTICIPATION.—Section
11 1866(a)(1) of the Social Security Act (42 U.S.C.
12 1395cc(a)(1)) is amended—

13 (1) in subparagraph (X), by striking at the end
14 “and”;

15 (2) in the subparagraph (Y), by striking at the
16 end the period and inserting a comma; and

17 (3) by inserting after subparagraph (Y) the fol-
18 lowing new subparagraph:

19 “(Z) in the case of a rural emergency access
20 center, to meet requirements applicable to critical
21 access hospitals under this title, other than—

22 “(i) requirements relating to a Medicare
23 rural hospital flexibility program under section
24 1820(c), including state designation of a facility
25 as a critical access hospital and criteria for

1 such designation under paragraph (2) of such
2 section;

3 “(ii) requirements relating to critical ac-
4 cess hospitals and rural health networks under
5 section 1820(d);

6 “(iii) certification by the Secretary as a
7 critical access hospital under section 1820(e);

8 “(iv) requirements relating to the provision
9 of inpatient hospital services or acute care beds
10 by a hospital or critical access hospital under
11 this section, including under—

12 “(I) paragraph (1)(G) of this sub-
13 section (relating to certain payment re-
14 strictions for inpatient hospital services);
15 and

16 “(II) paragraph (1)(T) of this sub-
17 section (relating to data submission re-
18 quirements for inpatient hospital services
19 for purposes of the low-volume adjust-
20 ment); and

21 “(v) such others provisions of law or regu-
22 lation, including provisions under Part B and
23 Part E, as the Secretary may specify.”.

24 (c) TREATMENT AS TELEHEALTH ORIGINATING
25 SITE.—Section 1834(m)(4)(C)(ii) of the Social Security

1 Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding
2 at the end the following new subclause:

3 “(IX) A rural emergency access
4 center (as defined in section
5 1861(kkk)(1)).”.

6 (d) CONFORMING AMENDMENT.—Section 1861(u) of
7 the Social Security Act (42 U.S.C. 1395x(u)) is amended
8 by inserting “rural emergency access center,” after “crit-
9 ical access hospital,”.

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