

118TH CONGRESS
2D SESSION

S. 4054

To require entities to meet minimum cybersecurity standards to be eligible for Medicare accelerated and advance payment programs if the reason for the need for such payments is due to a cybersecurity incident.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require entities to meet minimum cybersecurity standards to be eligible for Medicare accelerated and advance payment programs if the reason for the need for such payments is due to a cybersecurity incident.

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 “Health Care Cyberse-
5 curity Improvement Act of 2024”.

1 **SEC. 2. MODIFICATION OF THE MEDICARE HOSPITAL AC-**
2 **CELERATED PAYMENT PROGRAM.**

3 Section 1815(e)(3) of the Social Security Act (42
4 U.S.C. 1395g(e)(3)) is amended—

5 (1) by inserting “(A)” after “(3)”;

6 (2) by inserting “subparagraph (B) and” after
7 “Subject to”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(B) Beginning on the date that is 2 years
11 after the date of enactment of the Health Care Cy-
12 bersecurity Improvement Act of 2024, if the Sec-
13 retary determines that a cybersecurity incident led
14 to the disruptions of the operations of such hos-
15 pital’s intermediary or the unusual circumstances to
16 such hospital’s operation that resulted in such sig-
17 nificant cash flow problems, accelerated payments
18 shall not be made to such hospital under subpara-
19 graph (A) unless—

20 “(i) such hospital meets minimum cyberse-
21 curity standards, as determined by the Sec-
22 retary; and

23 “(ii) in the case of operations of such hos-
24 pital’s intermediary, such intermediary meets
25 minimum cybersecurity standards, as deter-
26 mined by the Secretary.”.

1 **SEC. 3. MODIFICATION OF THE MEDICARE PART B AD-**
2 **VANCE PAYMENT PROGRAM.**

3 Beginning on the date that is 2 years after the date
4 of enactment of this Act, in the event of a cybersecurity
5 incident, as determined by the Secretary of Health and
6 Human Services, leading to the making of payments pur-
7 suant to the program described in section 421.214 of title
8 42, Code of Federal Regulations (or any successor regula-
9 tion), such payments shall not be made to a provider of
10 services or supplier unless—

11 (1) such provider of services or supplier meets
12 minimum cybersecurity standards, as determined by
13 the Secretary; and

14 (2) in the case of such provider's or supplier's
15 intermediary being the target of such incident, such
16 intermediary meets minimum cybersecurity stand-
17 ards, as determined by the Secretary.

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