

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1846

To amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. TOWNS 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

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## A BILL

To amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of 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 “Medicare Access to  
5 Physical Medicine and Rehabilitation Services Improve-  
6 ment Act of 2007”.

1 **SEC. 2. ACCESS TO PHYSICAL MEDICINE AND REHABILITA-**  
2 **TION SERVICES PROVIDED INCIDENT TO A**  
3 **PHYSICIAN .**

4 Section 1862(a)(20) of the Social Security Act (42  
5 U.S.C. 1395y(a)(20)) is amended by striking “(other than  
6 any licensing requirement specified by the Secretary)” and  
7 inserting “(other than any licensing, education, or  
8 credentialing requirements specified by the Secretary)”.

9 **SEC. 3. COVERAGE OF CERTIFIED ATHLETIC TRAINER**  
10 **SERVICES AND CERTIFIED LYMPHEDEMA**  
11 **THERAPIST SERVICES UNDER PART B OF THE**  
12 **MEDICARE PROGRAM.**

13 (a) **COVERAGE OF SERVICES.**—Section 1861 of the  
14 Social Security Act (42 U.S.C. 1395x) is amended—

15 (1) in subsection (s)(2)—

16 (A) in subparagraph (Z), by striking  
17 “and” at the end;

18 (B) in subparagraph (AA), by adding  
19 “and” at the end; and

20 (C) by adding at the end the following new  
21 subparagraph:

22 “(BB) certified athletic trainer services (as  
23 defined in subsection (ccc)(1)) and lymphedema  
24 therapist services (as defined in subsection  
25 (ccc)(3));”; and



1           “(A) in the case of an individual performing  
2           services in a State that provides for licensure or cer-  
3           tification of athletic trainers, is licensed or certified  
4           as an athletic trainer in such State; or

5           “(B) in the case of an individual performing  
6           services in a State that does not provide for licen-  
7           sure or certification of athletic trainers, possesses a  
8           bachelors, master’s or doctoral degree which quali-  
9           fies for certification as an athletic trainer, and, has  
10          successfully passed a national certification examina-  
11          tion for Athletic Trainers recognized by the Sec-  
12          retary.

13          “(3) The term ‘certified lymphedema therapist serv-  
14          ices’ means services performed by a certified lymphedema  
15          therapist (as defined in paragraph (4)) under the super-  
16          vision of a physician (as defined by paragraph (1) or (3)  
17          of subsection (r)) which the lymphedema therapist is le-  
18          gally authorized to perform under State law (or the State  
19          regulatory mechanism provided by the State law) of the  
20          State in which such services are performed, as would oth-  
21          erwise be covered if furnished by a physician (as so de-  
22          fined) or as incident to a physicians professional service,  
23          to an individual—

24                 “(A) who is under the care of a physician (as  
25                 so defined); and

1           “(B) with respect to whom a plan prescribing  
2           the type, amount, and duration of services that are  
3           to be furnished to such individual has been estab-  
4           lished by a physician (as so defined).

5 Such term does not include any services for which a facil-  
6 ity or other provider charges or is paid any amounts with  
7 respect to the furnishing of such services.

8           “(4) The term ‘certified lymphedema therapist’  
9 means an individual who—

10           “(A) possesses a current unrestricted license as  
11           a health professional in the State in which the indi-  
12           vidual practices;

13           “(B) after obtaining such a license, has success-  
14           fully completed 135 hours of Complete Decongestive  
15           Therapy coursework which consists of theoretical in-  
16           struction and practical laboratory work utilizing  
17           teaching methods directly aimed at the treatment of  
18           lymphatic and vascular disease from a lymphedema  
19           training program recognized by the Secretary for  
20           purposes of certifying lymphedema therapists; and

21           “(C) in the case of an individual performing  
22           services in a State that provides for licensure or cer-  
23           tification of lymphedema therapists, is licensed or  
24           certified as a lymphedema therapist in such State.”.

25           (b) PAYMENT.—

1           (1) IN GENERAL.—Section 1832(a)(2)(B) of  
2 such Act (42 U.S.C. 1395k(a)(2)(B)) is amended by  
3 adding at the end the following new clause:

4                   “(v) certified athletic trainer services  
5                   and lymphedema therapist services;”.

6           (2) AMOUNT.—Section 1833(a)(1) of such Act  
7 (42 U.S.C. 1395l(a)(1)) is amended—

8                   (A) by striking “and (V)” and inserting  
9 “(V)”; and

10                  (B) by inserting before the semicolon at  
11 the end the following: “, and (W) with respect  
12 to certified athletic trainer services and certified  
13 lymphedema therapist services under section  
14 1861(s)(2)(BB), the amounts paid shall be 80  
15 percent of the lesser of the actual charge for  
16 the service or the fee schedule amount under  
17 section 1848 for the same service performed by  
18 a physician”.

19           (3) PAYMENT TO EMPLOYER.—The first sen-  
20 tence of section 1842(b)(6) of such Act (42 U.S.C.  
21 1395u(b)(6)) is amended—

22                   (A) by striking “and” before “(H)”; and

23                   (B) by inserting before “; but nothing” the  
24 following: “, and (H) in the case of certified  
25 athletic trainer services and lymphedema thera-

1           pist services, payment shall be made to the phy-  
2           sician, clinic, or hospital that employs the ath-  
3           letic trainer or lymphedema therapist involved”.

4           (c) INCLUSION OF SERVICES IN THE THERAPY  
5 CAP.—Section 1833(g)(1) of such Act (42 U.S.C.  
6 1395l(g)(1)) is amended—

7           (1) by striking “and” before “physical ther-  
8           apy”; and

9           (2) by inserting after “or as incident to physi-  
10          cians’ services,” the following: “and certified athletic  
11          trainer services and certified lymphedema therapist  
12          services”.

13          (d) INCLUSION OF ATHLETIC TRAINERS AND  
14 LYMPHEDEMA THERAPISTS AS PRACTITIONERS FOR AS-  
15 SIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of such  
16 Act (42 U.S.C.1395u(b)(18)(C)) is amended by adding at  
17 the end the following new clauses:

18           “(vii) A certified athletic trainer (as defined in  
19           section 1861(ccc)(1)).

20           “(viii) A certified lymphedema therapist (as de-  
21           fined in section 1861(ccc)(2)).”.

22          (e) COVERAGE OF CERTAIN PHYSICAL MEDICINE  
23 AND REHABILITATION SERVICES PROVIDED IN RURAL  
24 HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH

1 CENTERS.—Section 1861(aa)(1)(B) of such Act (42  
2 U.S.C. 1395x(aa)(1)(B)) is amended—

3 (1) by striking “or” before “by a clinical social  
4 worker”; and

5 (2) by inserting after “subsection (hh)(1),” the  
6 following: “by a certified athletic trainer (as defined  
7 in subsection (ccc)(2)), or by a certified lymphedema  
8 therapist (as defined in subsection (ccc)(4))”.

9 (f) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply with respect to services furnished  
11 on or after January 1, 2008.

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