

112TH CONGRESS
1ST SESSION

S. 1854

To enhance medical surge capacity.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2011

Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To enhance medical surge capacity.

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 “Medical Surge Capac-
5 ity Act”.

6 **SEC. 2. ENHANCING MEDICAL SURGE CAPACITY.**

7 (a) MODIFICATION OF CRITERIA FOR EMERGENCY
8 AREA; EMERGENCY PERIOD.—Section 1135(g)(1)(A) of
9 the Social Security Act (42 U.S.C. 1320b–5(a)(1)(A)) is
10 amended by striking “and” after the semicolon and insert-
11 ing “or”.

1 (b) WAIVER AUTHORITY FOR HOST AREAS.—Section
2 1135(g)(1) of such Act (42 U.S.C. 1320b–5(g)(1)), as
3 amended by subsection (a), is amended by adding after
4 and below subparagraph (B), the following flush sentence:

5 “Notwithstanding the preceding sentence, the Sec-
6 retary may deem an emergency area to include a
7 geographical area into which individuals from the
8 emergency area are evacuated and receiving care.”.

9 (c) DURATION OF EMTALA AND HIPAA WAIV-
10 ERS.—The third sentence of section 1135(b) of such Act
11 (42 U.S.C. 1320b–5(b)) is amended by striking “72-hour”
12 and inserting “96-hour”.

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