

114TH CONGRESS
1ST SESSION

H. R. 836

To improve access to emergency medical services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2015

Mr. DENT (for himself, Mr. WILSON of South Carolina, Mr. RUIZ, Mr. HARRIS, Mr. GIBSON, Mr. BENISHEK, Mr. JOYCE, Mr. GOSAR, Mr. HANNA, Mr. RIBBLE, Mr. ROSKAM, Mr. LANGEVIN, Mr. HARPER, Mr. KELLY of Pennsylvania, Mr. RUPPERSBERGER, Mr. BARR, Mr. OLSON, Mr. ROE of Tennessee, Mr. SESSIONS, Mr. MURPHY of Pennsylvania, Mr. HECK of Nevada, Mr. MCKINLEY, Mr. JOLLY, and Mr. BOUSTANY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To improve access to emergency medical services, 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 “Health Care Safety
5 Net Enhancement Act of 2015”.

6 **SEC. 2. CONSTITUTIONAL AUTHORITY.**

7 The constitutional authority upon which this Act
8 rests is the power of the Congress to provide for the gen-

1 eral welfare, to regulate commerce, and to make all laws
2 which shall be necessary and proper for carrying into exe-
3 cution Federal powers, as enumerated in section 8 of arti-
4 cle I of the Constitution of the United States.

5 **SEC. 3. PROTECTION FOR EMERGENCY AND RELATED**
6 **SERVICES FURNISHED PURSUANT TO**
7 **EMTALA.**

8 Section 224(g) of the Public Health Service Act (42
9 U.S.C. 233(g)) is amended—

10 (1) in paragraph (4), by striking “An entity”
11 and inserting “Subject to paragraph (6), an entity”;
12 and

13 (2) by adding at the end the following:

14 “(6)(A) For purposes of this section—

15 “(i) an entity described in subparagraph
16 (B) shall be considered to be an entity de-
17 scribed in paragraph (4); and

18 “(ii) the provisions of this section shall
19 apply to an entity described in subparagraph
20 (B) in the same manner as such provisions
21 apply to an entity described in paragraph (4),
22 except that—

23 “(I) notwithstanding paragraph
24 (1)(B), the deeming of any entity described
25 in subparagraph (B), or of an officer, gov-

1 erning board member, employee, con-
2 tractor, or on-call provider of such an enti-
3 ty, to be an employee of the Public Health
4 Service for purposes of this section shall
5 apply only with respect to items and serv-
6 ices that are furnished to an individual
7 pursuant to section 1867 of the Social Se-
8 curity Act and to post stabilization services
9 (as defined in subparagraph (D)) furnished
10 to such an individual;

11 “(II) nothing in paragraph (1)(D)
12 shall be construed as preventing a physi-
13 cian or physician group described in sub-
14 paragraph (B)(ii) from making the appli-
15 cation referred to in such paragraph or as
16 conditioning the deeming of a physician or
17 physician group that makes such an appli-
18 cation upon receipt by the Secretary of an
19 application from the hospital or emergency
20 department that employs or contracts with
21 the physician or group, or enlists the phy-
22 sician or physician group as an on-call pro-
23 vider;

24 “(III) notwithstanding paragraph (3),
25 this paragraph shall apply only with re-

1 spect to causes of action arising from acts
2 or omissions that occur on or after Janu-
3 ary 1, 2016;

4 “(IV) paragraph (5) shall not apply to
5 a physician or physician group described in
6 subparagraph (B)(ii);

7 “(V) the Attorney General, in con-
8 sultation with the Secretary, shall make
9 separate estimates under subsection (k)(1)
10 with respect to entities described in sub-
11 subparagraph (B) and entities described in
12 paragraph (4) (other than those described
13 in subparagraph (B)), and the Secretary
14 shall establish separate funds under sub-
15 section (k)(2) with respect to such groups
16 of entities, and any appropriations under
17 this subsection for entities described in
18 subparagraph (B) shall be separate from
19 the amounts authorized by subsection
20 (k)(2);

21 “(VI) notwithstanding subsection
22 (k)(2), the amount of the fund established
23 by the Secretary under such subsection
24 with respect to entities described in sub-

1 paragraph (B) may exceed a total of
2 \$10,000,000 for a fiscal year; and

3 “(VII) subsection (m) shall not apply
4 to entities described in subparagraph (B).

5 “(B) An entity described in this subparagraph
6 is—

7 “(i) a hospital or an emergency depart-
8 ment to which section 1867 of the Social Secu-
9 rity Act applies; and

10 “(ii) a physician or physician group that is
11 employed by, is under contract with, or is an
12 on-call provider of such hospital or emergency
13 department, to furnish items and services to in-
14 dividuals under such section.

15 “(C) For purposes of this paragraph, the term
16 ‘on-call provider’ means a physician or physician
17 group that—

18 “(i) has full, temporary, or locum tenens
19 staff privileges at a hospital or emergency de-
20 partment to which section 1867 of the Social
21 Security Act applies; and

22 “(ii) is not employed by or under contract
23 with such hospital or emergency department,
24 but agrees to be ready and available to provide
25 services pursuant to section 1867 of the Social

1 Security Act or post stabilization services to in-
2 dividuals being treated in the hospital or emer-
3 gency department with or without compensation
4 from the hospital or emergency department.

5 “(D) For purposes of this paragraph, the term
6 ‘post stabilization services’ means, with respect to an
7 individual who has been treated by an entity de-
8 scribed in subparagraph (B) for purposes of com-
9 plying with section 1867 of the Social Security Act,
10 services that are—

11 “(i) related to the condition that was so
12 treated; and

13 “(ii) provided after the individual is sta-
14 bilized in order to maintain the stabilized condi-
15 tion or to improve or resolve the condition of
16 the individual.

17 “(E)(i) Nothing in this paragraph (or in any
18 other provision of this section as such provision ap-
19 plies to entities described in subparagraph (B) by
20 operation of subparagraph (A)) shall be construed as
21 authorizing or requiring the Secretary to make pay-
22 ments to such entities, the budget authority for
23 which is not provided in advance by appropriation
24 Acts.

1 “(ii) The Secretary shall limit the total amount
2 of payments under this paragraph for a fiscal year
3 to the total amount appropriated in advance by ap-
4 propriation Acts for such purpose for such fiscal
5 year. If the total amount of payments that would
6 otherwise be made under this paragraph for a fiscal
7 year exceeds such total amount appropriated, the
8 Secretary shall take such steps as may be necessary
9 to ensure that the total amount of payments under
10 this paragraph for such fiscal year does not exceed
11 such total amount appropriated.”.

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