

116TH CONGRESS  
1ST SESSION

# H. R. 2788

To amend title XVIII of the Social Security Act to modernize provisions relating to rural health clinics under Medicare.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Mr. SMITH of Nebraska (for himself, Mrs. RODGERS of Washington, Ms. SEWELL of Alabama, and Mr. LOEBSACK) 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 modernize provisions relating to rural health clinics under Medicare.

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 Health Clinic  
5 Modernization Act of 2019”.

1 **SEC. 2. MODERNIZING PHYSICIAN, PHYSICIAN ASSISTANT,**  
2 **AND NURSE PRACTITIONER UTILIZATION RE-**  
3 **QUIREMENTS.**

4 (a) IN GENERAL.—Section 1861(aa) of the Social Se-  
5 curity Act (42 U.S.C. 1395x(aa)) is amended—

6 (1) in paragraph (2)(B), by striking “has an  
7 arrangement” and all that follows through the first  
8 semicolon and inserting “meets the requirements de-  
9 scribed in paragraph (8);”; and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(8) REQUIREMENTS FOR CERTAIN FACILITIES  
13 DESCRIBED.—For purposes of paragraph (2)(B),  
14 with respect to a facility which is not a physician-  
15 directed clinic, the following requirements are de-  
16 scribed in this paragraph:

17 “(A) ARRANGEMENT.—The facility has an  
18 arrangement consistent with the provisions of  
19 State and local law relative to the practice, per-  
20 formance, and delivery of health services, with  
21 one or more physician assistants (as defined in  
22 paragraph (5)(A)) or one or more nurse practi-  
23 tioners (as defined in such paragraph).

24 “(B) PRACTICE AND OVERSIGHT REQUIRE-  
25 MENTS.—

1           “(i) IN GENERAL.—Subject to clause  
2           (ii), the delivery of health services under  
3           such arrangement shall be in accordance  
4           with State law or the State regulatory  
5           mechanism governing the practice of physi-  
6           cian assistants or nurse practitioners.

7           “(ii) EXCEPTION IF NO STATE LAWS  
8           OR REGULATIONS APPLICABLE.—In the  
9           case where a State does not have laws or  
10          regulations governing the practice, per-  
11          formance, and delivery of health services  
12          by a physician assistant or nurse practi-  
13          tioner, the Secretary shall adopt regula-  
14          tions for facilities located in such State  
15          that provide for the periodic review by phy-  
16          sicians of covered services furnished by  
17          physician assistants and nurse practi-  
18          tioners, the supervision and guidance by  
19          such physicians of physician assistants and  
20          nurse practitioners, and the preparation by  
21          such physicians of such medical orders for  
22          care and treatment of clinic patients as is  
23          necessary. Such regulations shall also re-  
24          quire facilities located in such a State to  
25          have arrangements with physicians for re-

1           ferral of and consultation for patients as  
2           the facility deems necessary and for advice  
3           and assistance in the management of med-  
4           ical emergencies.”.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
6 this section shall take effect on the date of the enactment  
7 of this Act.

8 **SEC. 3. REMOVING OUTDATED LABORATORY REQUIRE-**  
9 **MENTS.**

10          (a) **IN GENERAL.**—Section 1861(aa)(2)(G) of the So-  
11 cial Security Act (42 U.S.C. 1395x(aa)(2)(G)) is amended  
12 by striking “, including clinical laboratory services” and  
13 all that follows through “additional diagnostic services”  
14 and inserting the following: “and has prompt access to  
15 clinical laboratory services and additional diagnostic serv-  
16 ices”.

17          (b) **EFFECTIVE DATE.**—The amendments made by  
18 this section shall take effect on the date of the enactment  
19 of this Act.

20 **SEC. 4. ALLOWING RURAL HEALTH CLINICS THE FLEXI-**  
21 **BILITY TO CONTRACT WITH PHYSICIAN AS-**  
22 **SISTANTS AND NURSE PRACTITIONERS.**

23          (a) **IN GENERAL.**—Section 1861(aa) of the Social Se-  
24 curity Act (42 U.S.C. 1395x(aa)), in the first sentence of  
25 the flush matter following paragraph (2), is amended by

1 striking “(iii) employs a physician assistant or nurse prac-  
2 titioner, and (iv)” and inserting “and (iii)”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect on the date of the enact-  
5 ment of this Act.

6 **SEC. 5. ALLOWING RURAL HEALTH CLINICS TO BE THE DIS-**  
7 **TANT SITE FOR A TELEHEALTH VISIT.**

8 (a) IN GENERAL.—Section 1834(m) of the Social Se-  
9 curity Act (42 U.S.C. 1395m(m)) is amended—

10 (1) in the first sentence of paragraph (1)—

11 (A) by striking “or a practitioner (de-  
12 scribed in section 1842(b)(18)(C))” and insert-  
13 ing “, a practitioner (described in section  
14 1842(b)(18)(C)), or a rural health clinic”; and

15 (B) by striking “or practitioner” and in-  
16 serting “, practitioner, or rural health clinic”;

17 (2) in paragraph (2)(A)—

18 (A) by striking “or practitioner” and in-  
19 serting “practitioner, or rural health clinic”;  
20 and

21 (B) by striking “such physician or practi-  
22 tioner” and inserting “such physician, practi-  
23 tioner, or rural health clinic”; and

1           (3) in paragraph (4)(A), by striking “or practi-  
2           tioner” and inserting “practitioner, or rural health  
3           clinic”.

4           (b) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to services furnished on or after  
6 the date of the enactment of this Act.

7 **SEC. 6. INCLUDING FACILITIES LOCATED IN CERTAIN**  
8           **AREAS.**

9           (a) IN GENERAL.—Section 1861(aa) of the Social Se-  
10 curity Act (42 U.S.C. 1395x(aa)) is amended, in the first  
11 sentence of the flush matter following paragraph (2), by  
12 inserting “or in an area that has been designated by the  
13 chief executive officer of the State and certified by the Sec-  
14 retary as rural” after “Census)”.

15           (b) EFFECTIVE DATE.—The amendment made by  
16 this section shall take effect on the date of the enactment  
17 of this Act.

18 **SEC. 7. INCREASING REIMBURSEMENT FOR RURAL**  
19           **HEALTH CLINICS.**

20           Section 1833(f) of the Social Security Act (42 U.S.C.  
21 1395l(f)) is amended—

22           (1) in paragraph (1), by striking “, and” at the  
23           end and inserting a semicolon;

24           (2) in paragraph (2)—

1 (A) by inserting “(before 2020)” after “in  
2 a subsequent year”; and

3 (B) by striking the period at the end and  
4 inserting a semicolon; and

5 (3) by adding at the end the following new  
6 paragraphs:

7 “(3) in 2020, at \$105 per visit;

8 “(4) in 2021, at \$110 per visit;

9 “(5) in 2022, at \$115 per visit; and

10 “(6) in a subsequent year, at the limit estab-  
11 lished under this subsection for the previous year in-  
12 creased by the percentage increase in the MEI (as  
13 so defined) applicable to primary care services (as so  
14 defined) furnished as of the first day of that year.”.

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