

116TH CONGRESS  
2D SESSION

# H. R. 8702

To amend title XVIII of the Social Security Act to provide for an increase in payment under part B of the Medicare program for certain services in response to COVID-19.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2020

Mr. BERA (for himself, Mr. BUCSHON, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HOLDING, Mr. RUIZ, Mr. DAVID P. ROE of Tennessee, Ms. FINKENAUER, and Mr. MARSHALL) 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 for an increase in payment under part B of the Medicare program for certain services in response to COVID-19.

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 “Holding Providers  
5 Harmless From Medicare Cuts During COVID-19 Act of  
6 2020”.

1 **SEC. 2. PROVIDING FOR AN INCREASE IN PAYMENT UNDER**  
2 **PART B OF THE MEDICARE PROGRAM FOR**  
3 **CERTAIN SERVICES TO HOLD PROVIDERS**  
4 **HARMLESS WHILE RESPONDING TO COVID-**  
5 **19.**

6 (a) IN GENERAL.—Section 1833 of the Social Secu-  
7 rity Act (42 U.S.C. 1395l) is amended by adding at the  
8 end the following new subsection:

9 “(dd) COVID–19 RELIEF PAYMENTS FOR CERTAIN  
10 SERVICES.—

11 “(1) IN GENERAL.—In the case of an eligible  
12 service (as defined in paragraph (2)(A)) furnished  
13 during a specified year (as defined in paragraph  
14 (2)(C)) by a supplier for which payment is made  
15 under (or based on) the fee schedule established  
16 under section 1848, in addition to the amount of  
17 payment that would otherwise be made for such  
18 service under this part, there also shall be paid at  
19 the time such payment under section 1848 is made  
20 an amount equal to the specified hold harmless relief  
21 payment (as defined in paragraph (2)(B)) for such  
22 service.

23 “(2) DEFINITIONS.—In this subsection:

24 “(A) ELIGIBLE SERVICE.—

25 “(i) IN GENERAL.—The term ‘eligible  
26 service’ means, with respect to a service

1 furnished in a specified year by a supplier  
2 for which payment is made under (or  
3 based on) the fee schedule established  
4 under section 1848, any service (other  
5 than a service described in clause (ii)) for  
6 which the payment amount determined  
7 under (or based on) such fee schedule for  
8 such year and supplier is less than such  
9 payment amount that would have been de-  
10 termined under (or based on) such fee  
11 schedule for such service and supplier had  
12 such service been furnished in 2020.

13 “(ii) EXCLUDED SERVICES.—For pur-  
14 poses of clause (i), the services described in  
15 this clause are any of the following:

16 “(I) Services identified by any of  
17 HCPCS codes 99202 through 99205  
18 or by HCPCS code 99211 (or any  
19 successor codes), but only if such  
20 service is billed in conjunction with  
21 HCPCS code GPC1X (or a successor  
22 code).

23 “(II) Services identified by any of  
24 HCPCS codes 99212 through 99215  
25 (or any successor codes).

1                   “(III) Services identified by  
2                   HCPCS code GPC1X (or any suc-  
3                   cessor code).

4                   “(B) SPECIFIED HOLD HARMLESS RELIEF  
5                   PAYMENT.—The term ‘specified hold harmless  
6                   relief payment’ means, with respect to an eligi-  
7                   ble service furnished in a specified year by a  
8                   supplier, the difference between the payment  
9                   amount determined under (or based on) the fee  
10                  schedule established under section 1848 for  
11                  such year and supplier and such amount that  
12                  would have been determined under (or based  
13                  on) such schedule for such service and supplier  
14                  had such service been furnished in 2020.

15                  “(C) SPECIFIED YEAR.—The term ‘speci-  
16                  fied year’ means 2021 and 2022.

17                  “(3) COORDINATION.—The amount of the addi-  
18                  tional payment for a service under this subsection  
19                  and subsection (m) shall be determined without re-  
20                  gard to any additional payment for the service under  
21                  subsection (m) and this subsection, respectively. The  
22                  amount of the additional payment for a service  
23                  under this subsection and subsection (z) shall be de-  
24                  termined without regard to any additional payment

1 for the service under subsection (z) and this sub-  
2 section, respectively.

3 “(4) CLARIFICATION.—For purposes of this  
4 subsection, a service for which payment is made  
5 under (or based on) the fee schedule established  
6 under section 1848 includes a service payable under  
7 section 1834(k).

8 “(5) LIMITATION ON JUDICIAL REVIEW.—There  
9 shall be no administrative or judicial review under  
10 section 1869, 1878, or otherwise, respecting the  
11 identification of eligible services under this sub-  
12 section.”.

13 (b) CONFORMING AMENDMENT.—Section  
14 1834(g)(2)(B) of the Social Security Act (42 U.S.C.  
15 1395m(g)(2)(B)) is amended by striking “(x) and (y)”  
16 and inserting “(x), (y), and (dd)”.

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