

117TH CONGRESS  
1ST SESSION

# H. R. 489

To amend title XVIII of the Social Security Act to clarify the application of the 15-mile secondary road distance requirement with respect to previously designated critical access hospitals under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2021

Ms. STEFANIK (for herself and Mr. DELGADO) introduced the following bill;  
which was referred to the Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act to clarify the application of the 15-mile secondary road distance requirement with respect to previously designated critical access hospitals under the Medicare program.

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 “Protecting Rural Ac-  
5        cess to Care Act”.

1 **SEC. 2. CLARIFYING THE APPLICATION OF THE 15-MILE**  
2 **SECONDARY ROAD DISTANCE REQUIREMENT**  
3 **WITH RESPECT TO PREVIOUSLY DESIGNATED**  
4 **CRITICAL ACCESS HOSPITALS.**

5 Section 1820(h) of the Social Security Act (42 U.S.C.  
6 1395i-4(h)) is amended by adding at the end the following  
7 new paragraph:

8 “(4) APPLICATION OF 15-MILE SECONDARY  
9 ROADS CRITERIA.—In the case of a facility that was  
10 designated as a critical access hospital before July  
11 31, 2015, in applying the criteria for such designa-  
12 tion specified in clause (i) of subsection (e)(2)(B), a  
13 State (and the Secretary) shall so apply such cri-  
14 teria, insofar as such criteria relates to a facility lo-  
15 cated in an area with only secondary roads available,  
16 using such guidance and regulations as were in ef-  
17 fect on July 30, 2015.”.

18 **SEC. 3. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT**  
19 **PERIOD FOR ANY GUIDANCE OR REGULA-**  
20 **TION RELATING TO DESIGNATION CRITERIA**  
21 **FOR CRITICAL ACCESS HOSPITALS.**

22 (a) IN GENERAL.—With respect to any guidance or  
23 regulation issued by the Secretary of Health and Human  
24 Services (in this section referred to as the “Secretary”)  
25 on or after the date of the enactment of this Act relating  
26 to the criteria for designation of a facility as a critical

1 access hospital (as specified in section 1820(c)(2)(B) of  
2 the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B))),  
3 such guidance or regulation shall not take effect prior to  
4 the expiration of a notice and comment period of not less  
5 than 60 days under which the public is given the oppor-  
6 tunity to comment on such guidance or regulation and the  
7 Secretary evaluates any such comments.

8 (b) RETROACTIVE APPLICATION TO GUIDANCE RE-  
9 LATING TO APPLICATION OF THE 15-MILE SECONDARY  
10 ROAD DISTANCE REQUIREMENT.—In applying the cri-  
11 teria described in subsection (a), a State (and the Sec-  
12 retary) shall so apply such criteria, insofar as such criteria  
13 relates to a facility located in an area with only secondary  
14 roads available, using such guidance and regulations as  
15 were in effect on July 30, 2015, until, subject to para-  
16 graph (4) of section 1820(h) of the Social Security Act  
17 (as added by section 2), such time as the Secretary issues  
18 guidance or regulations in accordance with such sub-  
19 section.

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