

117TH CONGRESS
1ST SESSION

S. 2834

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. DURBIN (for himself, Mr. CASSIDY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers 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 “Dr. Joanne Smith Me-
5 morial Rehabilitation Innovation Centers Act of 2021”.

6 **SEC. 2. PRESERVING ACCESS TO REHABILITATION INNOVA-**
7 **TION CENTERS UNDER MEDICARE.**

8 (a) IN GENERAL.—Section 1886(j)(7)(E) of the So-
9 cial Security Act (42 U.S.C. 1395ww(j)(7)(E)) is amend-
10 ed—

(1) by striking “PUBLIC AVAILABILITY OF DATA
SUBMITTED.—The” and inserting “PUBLIC AVAIL-
ABILITY OF DATA SUBMITTED.—

“(i) IN GENERAL.—The”; and

(2) by inserting after clause (i), as redesignated
by paragraph (1), the following new clauses:

“(ii) PUBLIC RECOGNITION OF REHA-
BILITATION INNOVATION CENTERS.—Be-
ginning not later than one year after the
date of the enactment of this clause, the
Secretary shall make publicly available on
such Internet website, in addition to the
information required to be reported on
such website under clause (i), a list of all
rehabilitation innovation centers, and shall
update such list on such website not less
frequently than biennially. In carrying out
the activities under this clause, the Sec-
retary shall disseminate research, best
practices, and other clinical information
identified or developed by such rehabilita-
tion innovation centers to, as appropriate,
Federal agencies, hospitals, health profes-
sional organizations, and national and
State accreditation bodies.

1 “(iii) REHABILITATION INNOVATION
 2 CENTERS DEFINED.—For purposes of
 3 clause (ii), the term ‘rehabilitation innova-
 4 tion centers’ means a rehabilitation facility
 5 that, as of the applicable date (as defined
 6 in clause (v)), is a rehabilitation facility
 7 described in clause (iv).

8 “(iv) REHABILITATION FACILITY DE-
 9 SCRIBED.—A rehabilitation facility de-
 10 scribed in this clause is a rehabilitation fa-
 11 cility that—

12 “(I) is classified as a rehabilita-
 13 tion facility under the IRF Rate Set-
 14 ting File for the Inpatient Rehabilita-
 15 tion Facility Prospective Payment
 16 System for Federal Fiscal Year 2019
 17 (83 Fed. Reg. 38514), or any suc-
 18 cessor regulations that contain such
 19 information;

20 “(II) holds, as of the applicable
 21 date at least one Federal rehabilita-
 22 tion research and training designation
 23 for research projects on traumatic
 24 brain injury or spinal cord injury
 25 from the National Institute on Dis-

1 ability, Independent Living, and Re-
2 habilitation Research at the Depart-
3 ment of Health and Human Services,
4 based on such data submitted to the
5 Secretary by a facility, in a form,
6 manner, and time frame specified by
7 the Secretary;

8 “(III) submits to the Secretary a
9 description of the clinical research en-
10 terprise of the facility and a summary
11 of research activities of the facility
12 that are supported by Federal agen-
13 cies;

14 “(IV) has a minimum Medicare
15 estimated weight per discharge of
16 1.20 for the most recent fiscal year
17 for which such information is avail-
18 able according to the IRF Rate Set-
19 ting File described in subclause (I), or
20 any successor regulations that contain
21 such information; and

22 “(V) has a minimum teaching
23 status of 0.075 for the most recent
24 fiscal year for which such information
25 is available according to the IRF Rate

1 Setting File described in subclause
2 (I), or any successor regulations that
3 contain such information.

4 “(v) APPLICABLE DATE DEFINED.—
5 For purposes of clauses (iii) and (iv), the
6 term ‘applicable date’ means—

7 “(I) with respect to the initial
8 publication of a list under clause (ii),
9 the date of the enactment of such
10 clause; and

11 “(II) with respect to the publica-
12 tion of an updated list under clause
13 (ii), a date specified by the Secretary
14 that is not more than one year prior
15 to the date of such publication.

16 “(vi) IMPLEMENTATION.—Notwith-
17 standing any other provision of law the
18 Secretary may implement clauses (ii)
19 through (v) by program instruction or oth-
20 erwise.

21 “(vii) NONAPPLICATION OF PAPER-
22 WORK REDUCTION ACT.—Chapter 35 of
23 title 44, United States Code, shall not
24 apply to data collected under clauses (ii)
25 through (v).”.

1 (b) REPORT.—Not later than March 15, 2022, the
2 Secretary of Health and Human Services shall submit to
3 Congress a report containing any recommendations for
4 such legislation or administrative action as the Secretary
5 determines appropriate to preserve access to rehabilitation
6 innovation centers (as defined in section 1886(j)(7)(E)(iii)
7 of the Social Security Act, as added by subsection (a)).

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