

117TH CONGRESS
2D SESSION

S. 3792

To amend title XVIII of the Social Security Act to extend acute hospital care at home waiver flexibilities.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. CARPER (for himself, Mr. SCOTT of South Carolina, Mr. TILLIS, and Ms. SMITH) 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 extend acute hospital care at home waiver flexibilities.

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 “Hospital Inpatient
5 Services Modernization Act”.

6 **SEC. 2. EXTENDING ACUTE HOSPITAL CARE AT HOME**
7 **WAIVER FLEXIBILITIES.**

8 Section 1812 of the Social Security Act (42 U.S.C.
9 1395d) is amended—

1 (1) by redesignating subsection (g) as sub-
2 section (h); and

3 (2) by inserting after subsection (f) the fol-
4 lowing new subsection:

5 “(g)(1) During the period beginning on the date of
6 the enactment of this subsection and ending on the date
7 that is 2 years after the end of the emergency period de-
8 scribed in section 1135(g)(1)(B), inpatient hospital serv-
9 ices or inpatient critical access hospital services described
10 in subsection (a)(1) shall include services (including tele-
11 health services as defined in section 1834(m)) furnished
12 to an individual by an Acute Hospital Care at Home Pro-
13 gram (as defined by the Secretary).

14 “(2) With respect to telehealth services furnished by
15 an Acute Hospital Care at Home Program during the pe-
16 riod described in paragraph (1), the requirements de-
17 scribed in section 1834(m)(4)(C)(i) shall not apply and
18 the sites described in section 1834(m)(4)(C)(ii) shall in-
19 clude the home or temporary residence of the individual.

20 “(3) With respect to services furnished in the home
21 or temporary residence of the individual through an Acute
22 Hospital Care at Home Program during such period, the
23 requirement for providing 24-hour nursing services and
24 immediate availability of nursing services as conditions of
25 participation shall also be satisfied by providing virtual ac-

1 cess to nurses, advanced practice providers, or physicians
2 24 hours per day.

3 “(4) With respect to services furnished in the home
4 or temporary residence of the individual through an Acute
5 Hospital Care at Home Program during such period, life
6 safety code requirements shall be deemed satisfied for
7 homes or temporary residences determined to be safe and
8 appropriate for this care by the Acute Hospital Care at
9 Home Program.

10 “(5) Not later than 12 months after the date of the
11 enactment of this subsection, the Secretary shall issue reg-
12 ulations establishing health and safety requirements for
13 Acute Hospital Care at Home Programs.”.

14 **SEC. 3. EVALUATION AND REPORT ON ACUTE HOSPITAL**
15 **CARE AT HOME AND HOSPITAL WITHOUT**
16 **WALLS WAIVERS.**

17 (a) EVALUATION.—The Secretary of Health and
18 Human Services shall conduct an evaluation of the Acute
19 Hospital Care at Home and Hospital Without Walls waiv-
20 ers issued pursuant to the authority under section 1135(b)
21 of the Social Security Act (42 U.S.C. 1320b–5(b)). Such
22 evaluation shall include an analysis of—

23 (1) relevant data collected by the Centers for
24 Medicare & Medicaid Services related to such waiv-
25 ers; and

1 (2) the quality of care provided, patient out-
2 comes, beneficiary access, health disparities, patient
3 safety, cost, and utilization.

4 (b) REPORT.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of Health and
6 Human Services shall submit to Congress a report on the
7 evaluation conducted under subsection (a), together with
8 recommendations for such legislation and administrative
9 action as the Secretary determines to be appropriate.

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