

118TH CONGRESS
1ST SESSION

H. R. 3133

To amend title XVIII of the Social Security Act to provide coverage for
acupuncturist services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2023

Ms. CHU (for herself and Mr. FITZPATRICK) 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 subse-
quently determined by the Speaker, in each case for consideration of such
provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide
coverage for acupuncturist services 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 “Acupuncture for Our
5 Seniors Act of 2023”.

1 **SEC. 2. COVERAGE FOR ACUPUNCTURIST SERVICES UNDER**
2 **THE MEDICARE PROGRAM.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by adding “and” at the end of sub-
7 paragraph (JJ); and

8 (B) by adding at the end the following new
9 subparagraph:

10 “(KK) qualified acupuncturist services (as de-
11 fined in subsection (nnn)(1));”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(nnn) QUALIFIED ACUPUNCTURIST SERVICES.—

15 “(1) IN GENERAL.—The term ‘qualified
16 acupuncturist services’ means such services fur-
17 nished by a qualified acupuncturist (as defined in
18 paragraph (2)), and such services and supplies fur-
19 nished as an incident to services furnished by the
20 qualified acupuncturist, as the qualified
21 acupuncturist is legally authorized to perform under
22 State law.

23 “(2) QUALIFIED ACUPUNCTURIST DEFINED.—

24 For purposes of this subsection, the term ‘qualified
25 acupuncturist’ means—

1 “(A) an individual who is licensed as an
2 acupuncturist by a State or, in the case of an
3 individual in a State that does not provide for
4 such licensure, meets such criteria (such as cer-
5 tification through an appropriate nationally rec-
6 ognized certification authority for
7 acupuncturists) as the Secretary may specify;
8 or

9 “(B) a physician who is legally authorized
10 to perform acupuncture as part of the practice
11 of medicine and surgery by the State in which
12 the physician performs such function or action.

13 In specifying requirements under subparagraph (A),
14 the Secretary may use the same requirements as
15 those established by a certification authority de-
16 scribed in such subparagraph.”.

17 (b) PAYMENT RULES.—

18 (1) PAYMENT UNDER PHYSICIAN FEE SCHED-
19 ULE.—Section 1848(j)(3) of the Social Security Act
20 (42 U.S.C. 1395w-4(j)(3)) is amended by inserting
21 “(2)(KK),” before “(3),”.

22 (2) SEPARATE PAYMENT FOR SERVICES OF IN-
23 STITUTIONAL PROVIDERS.—Section 1833(a)(2)(B)
24 of the Social Security Act (42 U.S.C.
25 1395l(a)(2)(B)) is amended—

(A) in clause (i), by inserting “and in the case of qualified acupuncturist services,” after “1999,”;

(B) in clause (ii), by inserting “or in the case of qualified acupuncturist services,” after “1999,”; and

(C) in clause (iii), by inserting “(other than qualified acupuncturist services)” after “such services”.

(3) QUALIFIED ACUPUNCTURIST TREATMENT AS A PRACTITIONER.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

“(ix) A qualified acupuncturist (as defined in section 1861(nnn)(2)).”.

(4) SEPARATE BILLING FOR ACUPUNCTURIST SERVICES FURNISHED IN AN INPATIENT HOSPITAL SETTING.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by inserting “qualified acupuncturist services,” after “qualified psychologist services,”.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to services furnished on or

- 1 after the date that is 270 days after the date of enactment
- 2 of this Act.

