To amend title XVIII of the Social Security Act to improve coverage of audiology services under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Ms. WARRREN (for herself, Mr. PAUL, Mr. GRASSLEY, Mrs. SHAHEEN, Ms. SINEMA, Mr. WICKER, Mr. BROWN, Mr. WELCH, and Mr. KING) 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 improve coverage of audiology services under the Medicare program, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Audiology

Access Improvement Act of 2023”.

SEC. 2. COVERAGE OF AUDIOLOGY SERVICES UNDER THE

MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) of the Social

Security Act (42 U.S.C. 1395x(s)(2)) is amended—
(1) in subparagraph (II), by striking “and” at the end;

(2) in subparagraph (JJ), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(KK) audiology services (as defined in subsection (ll)(3));”.

(b) Improved Access to Audiology Services.—

Paragraph (3) of section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended to read as follows:

“(3) The term ‘audiology services’ means such hearing and balance assessment services furnished on or before December 31, 2024, and beginning January 1, 2025, such diagnostic or treatment services furnished by a qualified audiologist which the qualified audiologist is legally authorized to perform under State law (or the regulatory mechanism provided by State law), as would otherwise be covered if furnished by a physician or as incident to a physician’s service. A qualified audiologist shall be permitted to furnish such audiology services without regard to any requirement that the individual receiving such audiology services is under the care of (or referred by) a physician or other health care practitioner or that such services are
furnished under the supervision of a physician or other
health care practitioner.”.

(c) PAYMENT AMOUNT AND COINSURANCE.—Section
1833(a)(1) of the Social Security Act (42 U.S.C.
1395l(a)(1)) is amended—

(1) by striking “and” before (HH); and

(2) by inserting the following before the semi-
colon: “and (II) with respect to audiology services
furnished under section 1861(s)(2)(KK), the
amounts paid shall be 80 percent of the lesser of the
actual charge for the services or the fee schedule
amount provided under section 1848”.

(d) PAYMENT ON ASSIGNMENT-RELATED BASIS.—
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 audiologist (as de-
defined in section 1861(ll)(4)(B)).”.

(e) INCLUSION OF QUALIFIED AUDIOLOGISTS AS
RHC AND FQHC PRACTITIONERS.—Section
1861(aa)(1)(B) of the Social Security Act (42 U.S.C.
1395x(aa)(1)(B)) is amended by inserting “by a qualified
audiologist (as defined in subsection (ll)(4)(B)),” after
“(as defined in subsection (hh)(1)),”.
(f) **Rule of Construction.**—Nothing in the amendments made by this section shall be construed to expand the scope of audiologist services or services for which payment may be made to other providers under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) beyond those services for which such payment may be made as of December 31, 2024.

(g) **Effective Date.**—The amendments made by this section shall apply to items and services furnished on or after January 1, 2025.