

107TH CONGRESS
1ST SESSION

H. R. 747

To amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2001

Mr. HINCHEY (for himself, Mr. BARTLETT of Maryland, Mr. HILLIARD, Mr. KILDEE, Mr. FILNER, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. BRADY of Pennsylvania, Mr. GEORGE MILLER of California, Mr. DEFazio, Mr. ABERCROMBIE, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, and Government Reform, for a period to be subsequently 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 for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Acupuncture
3 Coverage Act of 2001”.

4 **SEC. 2. COVERAGE OF ACUPUNCTURIST SERVICES UNDER**
5 **MEDICARE.**

6 (a) IN GENERAL.—Section 1861(s)(2) of the Social
7 Security Act (42 U.S.C. 1395x(s)(2)), as amended by sec-
8 tions 102(a) and 105(a) of the Medicare, Medicaid, and
9 SCHIP Benefits Improvement and Protection Act of
10 2000, as enacted into law by section 1(a)(6) of Public Law
11 106–554, is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (U);

14 (2) by inserting “and” at the end of subpara-
15 graph (V); and

16 (3) by adding at the end the following new sub-
17 paragraph:

18 “(W) qualified acupuncturist services (as de-
19 fined in subsection (ww)); and”.

20 (b) SERVICES DESCRIBED.—Section 1861 of the So-
21 cial Security Act (42 U.S.C. 1395x), as amended by sec-
22 tions 102(b) and 105(b) of the Medicare, Medicaid, and
23 SCHIP Benefits Improvement and Protection Act of
24 2000, as enacted into law by section 1(a)(6) of Public Law
25 106–554, is amended by adding at the end the following
26 new subsection:

1 “Qualified Acupuncturist Services

2 “(ww)(1) The term ‘qualified acupuncturist services’
 3 means such services furnished by a qualified acupuncturist
 4 (as defined in paragraph (2)) and such services and sup-
 5 plies furnished as an incident to services furnished by the
 6 qualified acupuncturist which the qualified acupuncturist
 7 is legally authorized to perform under State law (or the
 8 State regulatory mechanism provided by State law).

9 “(2) The term ‘qualified acupuncturist’ means an in-
 10 dividual who has been certified, licensed, or registered as
 11 an acupuncturist by a State (or the State regulatory
 12 mechanism provided by State law).”.

13 (c) PAYMENT RULES.—

14 (1) DETERMINATION OF AMOUNT OF PAY-
 15 MENT.—Section 1833(a)(1) of the Social Security
 16 Act (42 U.S.C. 1395l(a)(1)), as amended by sections
 17 105(c) and 223(c) of the Medicare, Medicaid, and
 18 SCHIP Benefits Improvement and Protection Act of
 19 2000, as enacted into law by section 1(a)(6) of Pub-
 20 lic Law 106–554, is amended—

21 (A) by striking “and” before “(U)”; and

22 (B) by inserting before the semicolon at
 23 the end the following: “, and (V) with respect
 24 to qualified acupuncturist services described in
 25 section 1861(s)(2)(W), the amounts paid shall

be the amount determined by a fee schedule established by the Secretary for purposes of this clause (but in no event shall such amount exceed the fee schedule amount provided under section 1848 for the same service performed by a physician);”.

(2) SEPARATE PAYMENT FOR SERVICES OF INSTITUTIONAL PROVIDERS.—Section 1833(a)(2)(B) of such Act (42 U.S.C. 1395l(a)(2)(B)) is amended, in clauses (i) and (ii), by inserting “and in the case of qualified acupuncturist services furnished at any time” after “1999,” each place it appears.

(d) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 2002.

**SEC. 3. COVERAGE OF ACUPUNCTURIST SERVICES UNDER
FEDERAL EMPLOYEES HEALTH BENEFIT
PLANS.**

(a) IN GENERAL.—Section 8902(k)(1) of title 5, United States Code, is amended by inserting “acupuncturist,” after “nurse midwife,” each place it appears.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies with respect to services provided
3 after December 31, 2001.

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