

117TH CONGRESS  
2D SESSION

# H. R. 8850

To amend title XVIII of the Social Security Act to require as a condition of satisfying the definition of an approved medical residency training program for purposes of payments under Medicare for costs related to graduate medical education for hospitals operating such a program to submit information to encourage more equitable treatment of osteopathic and allopathic candidates in the residency application and review process, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Mrs. HARSHBARGER (for herself, Ms. PINGREE, and Mr. GRAVES of Missouri) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

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## A BILL

To amend title XVIII of the Social Security Act to require as a condition of satisfying the definition of an approved medical residency training program for purposes of payments under Medicare for costs related to graduate medical education for hospitals operating such a program to submit information to encourage more equitable treatment of osteopathic and allopathic candidates in the residency application and review process, and for other purposes.

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 “Fair Access In Resi-  
 5 dency Act” or the “FAIR Act”.

6 **SEC. 2. ENCOURAGING MORE EQUITABLE TREATMENT OF**  
 7 **OSTEOPATHIC AND ALLOPATHIC CAN-**  
 8 **DIDATES IN RESIDENCY APPLICATION AND**  
 9 **REVIEW PROCESS.**

10 (a) IN GENERAL.—Section 1886(h)(5)(A) of the So-  
 11 cial Security Act (42 U.S.C. 1395ww(h)(5)(A)) is amend-  
 12 ed by adding at the end the following: “Such term shall  
 13 not include a program operated by a hospital, with respect  
 14 to a year (beginning with 2023), unless such hospital sub-  
 15 mits to the Secretary for such year—

16 “(i) the number of applicants for resi-  
 17 dency in such program who are from osteo-  
 18 pathic medical schools and the number  
 19 who are from allopathic medical schools;

20 “(ii) the number of such applicants  
 21 who were accepted into such program from  
 22 each of such types of medical school; and

23 “(iii) an affirmation that—

24 “(I) the hospital accepts appli-  
 25 cants for such program from both os-

1                   teopathic and allopathic medical  
2                   schools; and

3                   “(II) if an examination score is  
4                   required for acceptance in such pro-  
5                   gram, the Comprehensive Osteopathic  
6                   Medical Licensing Examination of the  
7                   United States (COMLEX–USA) and  
8                   the United States Medical Licensing  
9                   Examination (USMLE) are equally  
10                  accepted.”.

11           (b) PUBLICATION.—The Secretary of Health and  
12 Human Services shall publish on a public website the in-  
13 formation described in clauses (i) and (ii) of section  
14 1886(h)(5)(A) of the Social Security Act, and the affirma-  
15 tion described in clause (iii) of such section, submitted by  
16 each approved medical residency training program for  
17 each year (beginning with 2023).

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