

118TH CONGRESS
1ST SESSION

S. 3021

To amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Ms. SINEMA (for herself, Mrs. BLACKBURN, and Ms. KLOBUCHAR) 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 permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID–19, 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 “Sustainable
5 Cardiopulmonary Rehabilitation Services in the Home
6 Act”.

1 **SEC. 2. CODIFYING VIRTUAL CARDIOPULMONARY REHA-**
 2 **BILITATION FLEXIBILITIES ESTABLISHED IN**
 3 **RESPONSE TO COVID-19.**

4 (a) IN GENERAL.—Section 1861(eee)(2) of the Social
 5 Security Act (42 U.S.C. 1395x(eee)(2)) is amended—

6 (1) in subparagraph (A)(ii), by inserting “, in-
 7 cluding in the home of an individual when furnished
 8 as a telehealth service through audio-visual real-time
 9 communications technology, or when such home is
 10 designated as a provider-based location of a hospital
 11 outpatient department” after “outpatient basis”;
 12 and

13 (2) in subparagraph (B), by inserting “, includ-
 14 ing through the virtual presence of such physician,
 15 physician assistant, nurse practitioner, or clinical
 16 nurse specialist, through audio-visual real-time com-
 17 munications technology” after “under the program”.

18 (b) EXPANDING ORIGINATING SITES.—Section
 19 1834(m) of the Social Security Act (42 U.S.C. 1395m(m))
 20 is amended—

21 (1) in paragraph (1), by striking “and (9)” and
 22 all that follows through “(as defined in paragraph
 23 (4)(E))” and inserting “, (9), and (10), the Sec-
 24 retary shall pay for telehealth services that are fur-
 25 nished via a telecommunications system by a physi-
 26 cian (as defined in section 1861(r)) or a practitioner

1 (as defined in paragraph (4)(E)), or by a hospital
 2 (as defined in section 1861(e))”;

3 (2) in paragraph (2)(A), by striking “or practi-
 4 tioner” each place that it appears and inserting “,
 5 practitioner, or hospital”;

6 (3) in paragraph (4)(A), by striking “or practi-
 7 tioner” and inserting “, practitioner, or hospital”;

8 (4) in paragraph (4)(C)—

9 (A) in clause (i), by striking “and (7)” and
 10 inserting “(7), and (10)”;

11 (B) in clause (ii)(X), by striking “para-
 12 graph (7)” and inserting “paragraphs (7) and
 13 (10)”;

14 (5) in paragraph (4)(F)(i), by striking “para-
 15 graph (8)” and inserting “paragraphs (8) and (10)”;
 16 and

17 (6) by adding at the end the following new
 18 paragraph:

19 “(10) TREATMENT OF CARDIAC REHABILITA-
 20 TION PROGRAM, INTENSIVE CARDIAC REHABILITA-
 21 TION PROGRAM, AND PULMONARY REHABILITATION
 22 PROGRAM VISITS FURNISHED THROUGH TELE-
 23 HEALTH.—In the case of items and services fur-
 24 nished on or after January 1, 2024, the geographic
 25 requirements described in paragraph (4)(C)(i) shall

1 not apply with respect to telehealth services for car-
 2 diac rehabilitation programs and intensive cardiac
 3 rehabilitation programs (as such terms are defined
 4 in section 1861(eee)) and pulmonary rehabilitation
 5 programs (as defined in section 1861(fff)) at an
 6 originating site described in subclauses (V) and (X)
 7 of paragraph (4)(C)(ii).”.

8 (c) AUTHORITY TO ESTABLISH STANDARDS AND
 9 ALLOW FOR CERTAIN PROGRAMS TO UTILIZE TELE-
 10 HEALTH SERVICES.—

11 (1) IN GENERAL.—Not later than 30 days after
 12 the date of enactment of this section, the Secretary
 13 of Health and Human Services shall—

14 (A) establish standards for the designation
 15 of the home of an individual with status as a
 16 provider-based organization of a hospital con-
 17 sistent with waivers issued through the Hospital
 18 Without Walls program for cardiac rehabilita-
 19 tion, pulmonary rehabilitation, and intensive
 20 cardiac rehabilitation; and

21 (B) include items and services furnished
 22 under cardiac rehabilitation program or under
 23 an intensive cardiac rehabilitation program (as
 24 such terms are defined in section 1861(eee) of
 25 the Social Security Act (42 U.S.C. 1395x(eee)),

1 or under a pulmonary rehabilitation program
2 (as defined in section 1861(fff) of such Act (42
3 U.S.C. 1395x(fff)) among telehealth services to
4 be specified under section 1834(m)(4)(F) of
5 such Act (42 U.S.C. 1395m(m)(4)(F)).

6 (2) EFFECTIVE DATE.—The standards estab-
7 lished under paragraph (1) shall apply to items and
8 services furnished on or after January 1, 2024.

9 (d) IMPLEMENTATION.—Notwithstanding any other
10 provision of the law, the Secretary of Health and Human
11 Services may implement the provisions of, and the amend-
12 ments made by, this section by program instruction or oth-
13 erwise.

14 (e) EFFECTIVE DATE.—The amendments made by
15 subsections (a) and (b) shall apply to items and services
16 furnished on or after January 1, 2024.

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