

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2902

To amend title XVIII of the Social Security Act to improve the payment method for oxygen and oxygen related equipment, supplies, and services, to increase beneficiary access to oxygen and oxygen related equipment, supplies, and services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2025

Mr. VALADAO (for himself, Ms. BROWNLEY, Mr. SMITH of Nebraska, and Mr. EVANS of Colorado) 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 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 improve the payment method for oxygen and oxygen related equipment, supplies, and services, to increase beneficiary access to oxygen and oxygen related equipment, supplies, and services, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Supplemental Oxygen Access Reform Act of 2025” or the  
4 “SOAR Act of 2025”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROTECT BENEFICIARY ACCESS TO SUPPLEMENTAL  
OXYGEN THERAPY IN THE HOME AND COMMUNITY**

Sec. 101. Reform of the medicare supplemental oxygen benefit.

Sec. 102. Establishment of supplemental oxygen responsibilities criteria.

Sec. 103. Technical corrections.

**TITLE II—PROTECTING BENEFICIARY ACCESS TO RESPIRATORY  
THERAPISTS**

Sec. 201. Reimbursement for respiratory therapists.

**TITLE III—ADOPTION OF ELECTRONIC TEMPLATES TO  
STRENGTHEN FRAUD AND ABUSE PROTECTIONS AND ENSURE  
PROGRAM INTEGRITY**

Sec. 301. Strengthening program integrity through the use of electronic tem-  
plates to document medical necessity, and restoring clinical in-  
ference for oxygen and oxygen related equipment, supplies, and  
services.

Sec. 302. Establishing notice requirements for individuals receiving oxygen or  
oxygen related equipment, supplies, or services.

**TITLE IV—ESTABLISHMENT OF BENEFICIARY RIGHTS**

Sec. 401. Establishing protections for individuals receiving oxygen or oxygen re-  
lated equipment, supplies, or services.

1 **TITLE I—PROTECT BENE-**  
2 **FICIARY ACCESS TO SUPPLE-**  
3 **MENTAL OXYGEN THERAPY**  
4 **IN THE HOME AND COMMU-**  
5 **NITY**

6 **SEC. 101. REFORM OF THE MEDICARE SUPPLEMENTAL OX-**  
7 **YGEN BENEFIT.**

8 (a) REMOVING OXYGEN AND OXYGEN RELATED  
9 EQUIPMENT, SUPPLIES, AND SERVICES FROM COMPETI-  
10 TIVE ACQUISITION PROGRAM TO IMPROVE PATIENT AC-  
11 CESS TO SUPPLEMENTAL OXYGEN THERAPY.—Section  
12 1847(a)(3) of the Social Security Act (42 U.S.C. 1395w-  
13 3(a)(3)) is amended by—

14 (1) inserting “AND EXCLUSION” after “EXCEP-  
15 TION AUTHORITY”;

16 (2) by redesignating subparagraphs (A) and  
17 (B) as clauses (i) and (ii), respectively, and moving  
18 such clauses as so redesignated 2 ems to the right;

19 (3) by striking “In carrying out” and inserting  
20 the following:

21 “(A) IN GENERAL.—In carrying out”; and

22 (4) by adding at the end the following new sub-  
23 paragraph:

24 “(B) EXCLUSION OF OXYGEN, AND OXY-  
25 GEN RELATED EQUIPMENT, SUPPLIES, AND

1 SERVICES.—Beginning on or after January 1,  
2 2026, the Secretary shall exclude oxygen and  
3 oxygen related equipment, supplies, and services  
4 from the competitive acquisition program under  
5 this section and payment for oxygen and oxygen  
6 related equipment, supplies, and services shall  
7 be made as prescribed under subparagraphs  
8 (E), (F), and (H) of section 1834(a)(9).”.

9 (b) ESTABLISHING ADEQUATE PAYMENT FOR OXY-  
10 GEN AND OXYGEN RELATED EQUIPMENT, SUPPLIES, AND  
11 SERVICES.—Section 1834(a)(9) of the Social Security Act  
12 (42 U.S.C. 1395m(a)(9)) is amended—

13 (1) in the first sentence of the matter preceding  
14 subparagraph (A), by inserting the following before  
15 the period: “(for oxygen and oxygen equipment fur-  
16 nished before January 1, 2026) or the amount de-  
17 termined under subparagraph (E), subject to sub-  
18 paragraphs (F), (G), and (H) (for oxygen and oxy-  
19 gen related equipment, supplies, and services fur-  
20 nished on or after January 1, 2026);”; and

21 (2) by adding at the end the following:

22 “(E) PAYMENT FOR OXYGEN AND OXYGEN  
23 RELATED EQUIPMENT, SUPPLIES, AND SERV-  
24 ICES EXCLUDED FROM COMPETITIVE ACQUISI-  
25 TION PROGRAM.—Subject to subparagraphs

1 (F), (G), and (H) in the case of oxygen and ox-  
2 ygen related equipment, supplies, and services  
3 furnished on or after January 1, 2026—

4 “(i) in areas that are competitive bid-  
5 ding areas in which a competitive bidding  
6 program is implemented for other covered  
7 items, the payment amount is equal to—

8 “(I) for 2026, the fee schedule  
9 amounts for the area for items and  
10 services in effect on December 31,  
11 2025; and

12 “(II) for each subsequent year,  
13 the amount determined under this  
14 clause for the preceding year, in-  
15 creased by the percentage increase in  
16 the consumer price index for all urban  
17 consumers (United States city aver-  
18 age) for the 12-month period ending  
19 on December 31 of the previous year;

20 “(ii) in rural areas and non-contig-  
21 uous areas (Alaska, Hawaii, and United  
22 States territories), the payment amount is  
23 equal to—

24 “(I) 50 percent of 110 percent of  
25 the national average price for the item

1 or service determined under section  
2 414.210(g)(1)(ii) of title 42, Code of  
3 Federal Regulations; and

4 “(II) 50 percent of—

5 “(aa) for 2026, the fee  
6 schedule amount for the area in  
7 effect on December 31, 2025;  
8 and

9 “(bb) for each subsequent  
10 year, the amount determined  
11 under this subclause for the pre-  
12 ceding year, increased by the per-  
13 centage increase in the consumer  
14 price index for all urban con-  
15 sumers (United States city aver-  
16 age) for the 12-month period  
17 ending on December 31 of the  
18 previous year; and

19 “(iii) in areas other than those de-  
20 scribed in clauses (i) and (ii), the payment  
21 amount is equal to the sum of 75 percent  
22 of the adjusted payment amount estab-  
23 lished under clause (i) and 25 percent of  
24 the unadjusted fee schedule amount other-

1 wise determined without taking into ac-  
2 count this subparagraph.

3 “(F) SPECIAL RULE FOR LIQUID OXY-  
4 GEN.—

5 “(i) PAYMENT.—

6 “(I) IN GENERAL.—In lieu of the  
7 volume adjustment established under  
8 paragraph (5)(C), not later than Jan-  
9 uary 1, 2026, the Secretary in con-  
10 sultation with suppliers, manufactur-  
11 ers, patients and patient advocates,  
12 and physicians, and through notice-  
13 and-comment rulemaking, shall estab-  
14 lish a separate payment amount that  
15 meets the requirements of this sub-  
16 paragraph made to a supplier for the  
17 provision of liquid oxygen and liquid  
18 oxygen related equipment, supplies,  
19 and services that meets the require-  
20 ments described in subparagraph (G).

21 “(II) PAYMENT FLOOR.—The  
22 payment amount established under  
23 subclause (I) may not be less than an  
24 amount equal to 200 percent of the  
25 2015 Durable Medical Equipment,

1 Prosthetics/Orthotics & Supplies Fee  
2 Schedule updated by the consumer  
3 price index for all urban consumers  
4 (United States city average) for years  
5 2016 through 2025.

6 “(III) UPDATE MECHANISM.—  
7 Beginning on January 1, 2027, the  
8 payment amount described in sub-  
9 clause (I) shall be increased annually  
10 by the projected percentage increase  
11 in the consumer price index for all  
12 urban consumers (United States city  
13 average) for the 12-month period end-  
14 ing December 31 of the previous year.

15 “(ii) CONSIDERATIONS.—In imple-  
16 menting the payment amount under this  
17 subparagraph, the Secretary shall take into  
18 account the cost of liquid oxygen on a per  
19 pound basis, the cost of liquid oxygen  
20 equipment, the infrastructure costs associ-  
21 ated with providing liquid oxygen equip-  
22 ment and supplies (including labor, stor-  
23 age, transportation, maintenance, and  
24 similar costs), the cost of complying with  
25 Federal and State regulations specific to



1 the delivery and transportation of liquid  
2 oxygen, and any other cost factors the Sec-  
3 retary deems appropriate after consulting  
4 with stakeholders such as suppliers, pro-  
5 viders, patients and patient advocates, and  
6 manufacturers.

7 “(iii) MONTHLY ADD-ON FOR HIGH-  
8 FLOW PATIENTS.—

9 “(I) IN GENERAL.—Subject to  
10 subclause (II), the Secretary shall es-  
11 tablish a non-budget neutral add-on to  
12 the payment amount under clause (i)  
13 when the prescribing practitioner or-  
14 ders an oxygen flow rate equal to or  
15 greater than 6 liters per minute.

16 “(II) ADD-ON AMOUNT.—The  
17 add-on amount shall equal the per  
18 pound cost of the oxygen exceeding  
19 the amount required to provide a liter  
20 flow that is equal to or greater than  
21 6 liters per minute.

22 “(iv) PERIODIC ASSESSMENT OF THE  
23 BASE RATE.—The Secretary shall assess at  
24 least once every 3 years the adequacy of  
25 the payment amounts under this subpara-

1 graph on a cost-related basis or other eco-  
2 nomical and equitable basis.

3 “(v) TRANSITIONAL INTERIM PAY-  
4 MENT.—

5 “(I) IN GENERAL.—For items  
6 and services furnished on or after the  
7 date of the enactment of the SOAR  
8 Act of 2025 and prior to the imple-  
9 mentation of the payment amount es-  
10 tablished under this subparagraph,  
11 the Secretary shall adopt a transi-  
12 tional interim payment amount for  
13 liquid oxygen, and liquid oxygen  
14 equipment, supplies, and services in  
15 an amount equal to 200 percent of  
16 the 2015 Durable Medical Equipment,  
17 Prosthetics/Orthotics & Supplies Fee  
18 Schedule updated by the consumer  
19 price index for all urban consumers  
20 (United States city average) for years  
21 2016 through 2025.

22 “(II) UPDATE.—This amount  
23 shall be updated annually by the pro-  
24 jected percentage change in the con-  
25 sumer price index for all urban con-

1 sumers (United States city average)  
2 for the 12-month period ending on  
3 December 31 of the previous year,  
4 until the Secretary implements the  
5 payment amount under this subpara-  
6 graph.

7 “(vi) COVERAGE CRITERIA.—

8 “(I) IN GENERAL.—Not later  
9 than January 1, 2026, the Secretary,  
10 in consultation with stakeholders,  
11 shall establish objective clinical cri-  
12 teria for the coverage of liquid oxygen,  
13 and liquid oxygen equipment, supplies,  
14 and services under this title.

15 “(II) UPDATE OF CRITERIA.—

16 The Secretary shall review and update  
17 the coverage standards under this  
18 clause every 5 years to ensure the  
19 standards take into consideration cur-  
20 rent medical and clinical guidelines  
21 and take into effect modality in order  
22 to maximize beneficiary independ-  
23 ence.”.

1 **SEC. 102. ESTABLISHMENT OF SUPPLEMENTAL OXYGEN RE-**  
2 **SPONSIBILITIES CRITERIA.**

3 (a) IN GENERAL.—Section 1834(a)(9) of the Social  
4 Security Act (42 U.S.C. 1395m(a)(9)), as amended by  
5 section 101(b), is further amended by inserting the fol-  
6 lowing new subparagraph:

7 “(G) OXYGEN AND OXYGEN RELATED  
8 EQUIPMENT, SUPPLIES, AND SERVICES.—In  
9 consultation with stakeholders, the Secretary  
10 shall define the scope of services a supplier of  
11 oxygen and oxygen related equipment, supplies,  
12 and services must provide to receive payment  
13 under this part, to include—

14 “(i) conducting an initial evaluation of  
15 the beneficiary using the uniform oxygen  
16 patient evaluation form described in para-  
17 graph (5)(G) to determine the appropriate  
18 use of oxygen and oxygen related equip-  
19 ment, supplies, and services by the bene-  
20 ficiary, including the use of portable equip-  
21 ment;

22 “(ii) ensuring the beneficiary has ap-  
23 propriate access to portable oxygen, and  
24 portable oxygen equipment, supplies, and  
25 services based on the mobility needs of the  
26 beneficiary, including the needs of the ben-

1            beneficiary outside the home of the bene-  
2            ficiary;

3            “(iii) providing written and verbal  
4            beneficiary and caregiver education regard-  
5            ing oxygen and oxygen related equipment,  
6            supplies, and services, stationary and port-  
7            able options, and oxygen safety, which in-  
8            cludes evaluating the environment of the  
9            beneficiary for safety risks or hazards,  
10          such as fire and fall hazards;

11          “(iv) providing appropriate delivery,  
12          set-up, and coordination of oxygen services  
13          (including the delivery of any oxygen  
14          equipment or supplies to a beneficiary  
15          prior to such beneficiary being discharged,  
16          delivering such equipment, and setting up  
17          the equipment), as needed, in a timely  
18          manner as agreed upon by the beneficiary  
19          or caregiver, supplier, and prescribing  
20          practitioner;

21          “(v) evaluating the ability of the bene-  
22          ficiary to operate the equipment safely and  
23          effectively;

1           “(vi) providing infection control infor-  
2 mation and instructions about all equip-  
3 ment and supplies;

4           “(vii) providing equipment-related  
5 services, including checking oxygen system  
6 purity levels and flow rates, changing and  
7 cleaning filters, and assuring the integrity  
8 of alarms and back-up systems, consistent  
9 with the manufacturer specifications and  
10 in accordance with all Federal, State, and  
11 local laws and regulations;

12           “(viii) monitoring visits when nec-  
13 essary by appropriate personnel, including  
14 a respiratory therapist to evaluate all as-  
15 pects of the services being provided to the  
16 beneficiary by the provider;

17           “(ix) documenting exception reporting  
18 by the supplier to the prescribing physician  
19 when changes occur in the compliance of  
20 the beneficiary with the beneficiary’s plan  
21 of care;

22           “(x) providing, as needed, continued  
23 education to the beneficiary or caregiver  
24 regarding appropriate oxygen equipment  
25 maintenance practices and performance;

1           “(xi) providing, as prescribed by the  
2           plan of care of the prescribing practitioner,  
3           appropriate oxygen and oxygen related  
4           equipment, supplies, and services (includ-  
5           ing supplemental supplies and emergency  
6           oxygen back-ups as appropriate);

7           “(xii) ensuring oxygen and oxygen  
8           equipment can be used appropriately out-  
9           side the home of a beneficiary based on ne-  
10          cessity;

11          “(xiii) providing 24-hour on-call cov-  
12          erage to respond to beneficiary needs relat-  
13          ing to oxygen and oxygen related equip-  
14          ment, supplies, and services; and

15          “(xiv) assisting the beneficiary with  
16          the coordination of oxygen and oxygen re-  
17          lated equipment, supplies, and services, in-  
18          cluding by assisting the beneficiary find a  
19          different supplier if the beneficiary tempo-  
20          rarily travels outside of the service area of  
21          the supplier. If the beneficiary relocates  
22          permanently, the new supplier caring for  
23          the beneficiary will assume responsibility  
24          for billing the Medicare program directly.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 this section shall take effect on the date that is 1 year  
 3 after the date of enactment of this Act.

4 **SEC. 103. TECHNICAL CORRECTIONS.**

5 Section 1861(n) is amended by striking “iron lungs,  
 6 oxygen tents” and inserting “oxygen and oxygen related  
 7 equipment, supplies, and services”.

8 **TITLE II—PROTECTING BENE-**  
 9 **FICIARY ACCESS TO RES-**  
 10 **PIRATORY THERAPISTS**

11 **SEC. 201. REIMBURSEMENT FOR RESPIRATORY THERA-**  
 12 **PISTS.**

13 (a) PROTECTING ACCESS TO RESPIRATORY THERA-  
 14 PIST SERVICES.—

15 (1) ADDING RESPIRATORY THERAPIST SERV-  
 16 ICES TO THE DEFINITION OF MEDICAL AND OTHER  
 17 HEALTH SERVICES.—Section 1861(s)(2) of the So-  
 18 cial Security Act (42 U.S.C. 1395x(s)(2)) is amend-  
 19 ed—

20 (A) in subparagraph (JJ), by inserting  
 21 “and” after the semicolon; and

22 (B) by adding at the end the following new  
 23 subparagraph:



1           “(KK) respiratory therapist services (as  
2           defined in subsection (nnn)) furnished on or  
3           after January 1, 2026.”.

4           (2) DEFINITION OF RESPIRATORY THERAPIST  
5           SERVICES.—Section 1861 of the Social Security Act  
6           (42 U.S.C. 1395x) is amended by adding at the end  
7           the following new subsection:

8           “(nnn) RESPIRATORY THERAPIST SERVICES.—The  
9           term ‘respiratory therapist services’ means services per-  
10          formed by a respiratory therapist within the scope of prac-  
11          tice of a respiratory therapist as defined by State law, reg-  
12          ulations, and applicable accreditation standards for the as-  
13          sessment, treatment, and monitoring of patients requiring  
14          oxygen and oxygen related equipment, supplies, or serv-  
15          ices.”.

16          (b) ADD-ON PAYMENT ADJUSTMENT.—Section  
17          1834(a)(9) of the Social Security Act (42 U.S.C.  
18          1395m(a)(9)), as amended by sections 101(b) and 102(a),  
19          is further amended by adding at the end the following new  
20          subparagraph:

21                  “(H) MONTHLY PAYMENT ADD-ON AD-  
22                  JUSTMENT FOR RESPIRATORY THERAPIST SERV-  
23                  ICES.—For respiratory therapist services fur-  
24                  nished on or after January 1, 2026, the Sec-  
25                  retary shall implement through notice and com-

1           ment rulemaking and in consultation with  
 2           stakeholders a non-budget neutral add-on pay-  
 3           ment adjustment to the payment amount estab-  
 4           lished under this paragraph that reflects the  
 5           cost of providing respiratory therapist services  
 6           as clinically appropriate under State law.”.

7   **TITLE III—ADOPTION OF ELEC-**  
 8   **TRONIC TEMPLATES TO**  
 9   **STRENGTHEN FRAUD AND**  
 10 **ABUSE PROTECTIONS AND**  
 11 **ENSURE PROGRAM INTEG-**  
 12 **RITY**

13 **SEC. 301. STRENGTHENING PROGRAM INTEGRITY**  
 14 **THROUGH THE USE OF ELECTRONIC TEM-**  
 15 **PLATES TO DOCUMENT MEDICAL NECESSITY,**  
 16 **AND RESTORING CLINICAL INFERENCE FOR**  
 17 **OXYGEN AND OXYGEN RELATED EQUIPMENT,**  
 18 **SUPPLIES, AND SERVICES.**

19           (a) ADOPTING ELECTRONIC TEMPLATES FOR DE-  
 20 **TERMINING MEDICAL NECESSITY.**—Section 1834(a)(5) of  
 21 the Social Security Act (42 U.S.C. 1395m(a)(5)) is  
 22 amended by adding at the end the following:

23                   “(G) ADOPTION OF ELECTRONIC TEM-  
 24                   PLATES TO DOCUMENT MEDICAL NECESSITY  
 25                   AND STRENGTHEN PROGRAM INTEGRITY.—

1           “(i) IN GENERAL.—For any oxygen  
2           and oxygen related equipment, supplies, or  
3           service, including liquid oxygen, furnished  
4           on or after January 1, 2026, the Secretary  
5           shall adopt a template in an electronic for-  
6           mat that meets the requirements of clause  
7           (ii) to be completed by the prescribing  
8           practitioner (as defined by the Secretary)  
9           that shall constitute the complete request  
10          for information to determine whether pay-  
11          ment for such service, equipment, or sup-  
12          plies is covered by this title and is reason-  
13          able and necessary for the diagnosis or  
14          treatment of illness or injury (under sec-  
15          tion 1862(a)(1)(A)).

16          “(ii) TEMPLATE REQUIREMENTS.—  
17          The template shall require the prescribing  
18          practitioner to provide each of the fol-  
19          lowing:

20                 “(I) Documentation that the ben-  
21                 eficiary was seen by a prescribing  
22                 practitioner within the appropriate  
23                 timeframes for certification of the  
24                 need for the services, equipment, or  
25                 supplies.

1                   “(II) Documentation of the quali-  
2                   fying blood gas or saturation test re-  
3                   sults.

4                   “(III) Documentation indicating  
5                   that the beneficiary needs or is using  
6                   the appropriate equipment, supplies,  
7                   and services.

8                   “(IV) Any other documentation  
9                   determined appropriate by the Sec-  
10                  retary, except the Secretary shall not  
11                  require the prescribing practitioner to  
12                  provide medical record notes regard-  
13                  ing the beneficiary.

14                  “(iii) CONTRACTOR ADJUDICATION.—  
15                  The Secretary shall require Medicare ad-  
16                  ministrative contractors to adjudicate  
17                  claims for payment for oxygen and oxygen  
18                  related equipment, supplies, and services  
19                  using electronic transactions.

20                  “(H) RESTORATION OF CLINICAL INFER-  
21                  ENCE AND JUDGMENT.—For claims submitted  
22                  on or after the date of enactment of this sub-  
23                  paragraph with respect to the conduct of pay-  
24                  ment audits of suppliers of oxygen and oxygen  
25                  related equipment, supplies, and services under

1 this part the Secretary shall use clinical infer-  
2 ence and clinical judgment in the evaluation of  
3 templates, medical records, and orders when  
4 conducting such audits in the same manner as  
5 the Secretary interpreted and applied such clin-  
6 ical judgment to claim reviews before 2009 pur-  
7 suant to the Secretary’s instruction to contrac-  
8 tors.”.

9 **SEC. 302. ESTABLISHING NOTICE REQUIREMENTS FOR IN-**  
10 **DIVIDUALS RECEIVING OXYGEN OR OXYGEN**  
11 **RELATED EQUIPMENT, SUPPLIES, OR SERV-**  
12 **ICES.**

13 (a) ANNUAL NOTICE OF COST-SHARING OBLIGA-  
14 TIONS FOR SUPPLEMENTAL OXYGEN.—Section 1804 of  
15 the Social Security Act (42 U.S.C. 1395b–2) is amended  
16 by adding at the end the following new subsection:

17 “(e) The notice provided under subsection (a) shall  
18 include—

19 “(1) a description of—

20 “(A) the 36-month rental period for sup-  
21 plemental oxygen equipment under section  
22 1834(a)(5)(F);

23 “(B) the right of a beneficiary to discuss  
24 their prescription for supplemental oxygen

1 equipment with their prescribing physician or  
2 practitioner; and

3 “(C) any cost sharing requirements for  
4 supplemental oxygen equipment, supplies, and  
5 services under this title and the termination of  
6 such requirements when a beneficiary refuses or  
7 discontinues supplemental oxygen therapy; and

8 “(2) information on the internal and external  
9 grievance processes of suppliers of oxygen and oxy-  
10 gen related equipment, supplies, and services under  
11 this title (as well as how to contact Medicare  
12 through a hotline or beneficiary ombudsman), in-  
13 cluding the right of a beneficiary to file, personally  
14 or through a representative of the beneficiary’s  
15 choosing, an internal or external grievance without  
16 retaliation or denial of services from a supplier.”.

17 (b) **TIMELY NOTICE OF END OF COST-SHARING OB-**  
18 **LIGATIONS FOR SUPPLEMENTAL OXYGEN.**—Section  
19 1834(a)(5)(F) of the Social Security Act (42 U.S.C.  
20 1395m(a)(5)(F)), is amended by adding at the end the  
21 following new clause:

22 “(iii) **TIMELY NOTICE OF END OF**  
23 **COST-SHARING OBLIGATIONS FOR SUPPLE-**  
24 **MENTAL OXYGEN.**—The Secretary, in con-  
25 sultation with patient advocates, physi-

1           cians, supplemental oxygen suppliers, res-  
 2           piratory therapists, and other stakeholders,  
 3           shall distribute a monthly notice to each  
 4           individual receiving supplemental oxygen  
 5           equipment, supplies, and services stating  
 6           the number of months remaining within  
 7           the rental cap period under this subpara-  
 8           graph during which the beneficiary is re-  
 9           sponsible for the copayment amount for  
 10          such equipment.”.

11       **TITLE IV—ESTABLISHMENT OF**  
 12       **BENEFICIARY RIGHTS**

13       **SEC. 401. ESTABLISHING PROTECTIONS FOR INDIVIDUALS**  
 14               **RECEIVING OXYGEN OR OXYGEN RELATED**  
 15               **EQUIPMENT, SUPPLIES, OR SERVICES.**

16       Section 1834(a)(5) of the Social Security Act (42  
 17       U.S.C. 1395m(a)(5)), as amended by section 301, is fur-  
 18       ther amended by adding at the end the following new sub-  
 19       paragraph:

20               “(H) ESTABLISHING PROTECTIONS FOR  
 21               INDIVIDUALS RECEIVING OXYGEN OR OXYGEN  
 22               RELATED EQUIPMENT, SUPPLIES, OR SERV-  
 23               ICES.—The Secretary shall establish through  
 24               regulation protections for any individual receiv-  
 25               ing oxygen or oxygen related equipment, sup-

1 plies, or services under this part where such in-  
2 dividual shall have the right to—

3 “(i) choose the local supplier of such  
4 services from among qualified suppliers  
5 and to change such supplier;

6 “(ii) receive communications from the  
7 supplier in a clear and understandable  
8 manner;

9 “(iii) ensure privacy and confiden-  
10 tiality in all aspects of treatment and the  
11 personal health information of such indi-  
12 vidual consistent with Federal and State  
13 laws;

14 “(iv) be informed by the supplier of  
15 such services regarding—

16 “(I) all aspects of the services  
17 being furnished by such supplier;

18 “(II) the right to refuse treat-  
19 ment and to discontinue treatment,  
20 including informing the individual’s  
21 physician and indicating when indi-  
22 vidual cost-sharing requirements end;  
23 and

24 “(III) the right to refuse to par-  
25 ticipate in experimental research;



1           “(v) be informed by the supplier of  
2 policies and expectations of the supplier re-  
3 garding patient conduct and responsibil-  
4 ities;

5           “(vi) be informed by the supplier  
6 about treatment modalities and categories  
7 of equipment relating to oxygen services  
8 for use by the individual and offered by the  
9 supplier;

10           “(vii) be informed by the supplier of  
11 the policies of such supplier regarding 24-  
12 hour on-call coverage;

13           “(viii) be informed by the supplier of  
14 the financial responsibilities of the indi-  
15 vidual with regard to such services, includ-  
16 ing the number of months remaining with-  
17 in the rental cap period under subpara-  
18 graph (F) during which the patient is re-  
19 sponsible for the copayment amount;

20           “(ix) be provided with the appropriate  
21 gaseous or liquid oxygen equipment, sup-  
22 plies, and services to ensure the mobility of  
23 the beneficiary, as well as the clinically ap-  
24 propriate amount of oxygen and oxygen re-  
25 lated equipment, supplies, and services as

1           agreed upon by the individual (or the indi-  
2           vidual’s representative), the supplier, and  
3           the prescribing practitioner;

4           “(x) receive equipment that is main-  
5           tained to the guidelines of the manufac-  
6           turer;

7           “(xi) have broken or faulty equipment  
8           repaired or replaced in a timely manner;

9           “(xii) have oxygen or oxygen related  
10          equipment or supplies delivered by the sup-  
11          plier and to be contacted consistent with  
12          the requirements of section 410.38 of title  
13          42, Code of Federal Regulations;

14          “(xiii) in the case of a supplier invol-  
15          untary discharging an individual—

16                 “(I) receive from such supplier a  
17                 written notice that is provided to the  
18                 individual no later than 30 days in  
19                 advance of the involuntary discharge  
20                 of the individual; and

21                 “(II) have such supplier—

22                         “(aa) follow established in-  
23                         voluntary discharge procedures;

24                         or

1                   “(bb) in the case of an im-  
2                   mediate threat to the health and  
3                   safety of others, follow an abbrev-  
4                   viated involuntary discharge pro-  
5                   cedure;

6                   “(xiv) be assisted by the supplier in  
7                   obtaining the oxygen equipment and sup-  
8                   plies prescribed by the treating physician  
9                   of the individual when the individual is  
10                  traveling;

11                  “(xv) receive from the supplier oxygen  
12                  supplies, refills, and emergency back-up  
13                  equipment, as appropriate;

14                  “(xvi) be informed of a plan by the  
15                  supplier in case of a power outage or other  
16                  natural emergency, so that the individual  
17                  will continue to receive the necessary oxy-  
18                  gen supplies and equipment; and

19                  “(xvii) be informed by the supplier  
20                  of—

21                         “(I) any potential changes to the  
22                         equipment, supplies, or services being  
23                         furnished to the individual and the  
24                         right to consult with the prescribing  
25                         physician or practitioner regarding

1 such changes to ensure they are ap-  
2 propriate and necessary and to be in-  
3 formed of the exceptions, as specified  
4 by the Secretary, when a supple-  
5 mental oxygen services supplier may  
6 change the oxygen equipment of the  
7 individual; and

8 “(II) the internal and external  
9 grievance processes of the supplier (as  
10 well as how to contact Medicare  
11 through a hotline or beneficiary om-  
12 budsman), which shall include the  
13 right of an individual to file, person-  
14 ally or through a representative of the  
15 individual’s choosing, an internal or  
16 external grievance without retaliation  
17 or denial of services from such sup-  
18 plier.”.

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