

119TH CONGRESS
2D SESSION

H. R. 8109

To amend title XVIII of the Social Security Act to codify the Medicare low-wage index hospital policy.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2026

Mr. KUSTOFF (for himself and Ms. SEWELL) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to codify
the Medicare low-wage index hospital policy.

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 “Save Struggling Hos-
5 pitals Act”.

6 **SEC. 2. CODIFICATION OF THE MEDICARE LOW-WAGE**
7 **INDEX HOSPITAL POLICY.**

8 Section 1886(d)(3)(E) of the Social Security Act (42
9 U.S.C. 1395ww(d)(3)(E)) is amended—

1 (1) in clause (i), in the first sentence, by strik-
2 ing “or (iv)” and inserting “, (iv), or (v)”; and

3 (2) by adding at the end the following new
4 clause:

5 “(v) AREA WAGE INDEX ADJUSTMENT
6 FOR LOW-WAGE HOSPITALS.—

7 “(I) IN GENERAL.—For dis-
8 charges occurring on or after October
9 1, 2019, the area wage index applica-
10 ble under this subparagraph for a fis-
11 cal year to a hospital with an area
12 wage index (determined without re-
13 gard to this clause) below the 25th
14 percentile area wage index shall be in-
15 creased by $\frac{1}{2}$ of the difference be-
16 tween the otherwise applicable final
17 area wage index for such fiscal year
18 for such hospital and the 25th per-
19 centile area wage index for such fiscal
20 year across all hospitals.

21 “(II) BUDGET NEUTRALITY.—
22 Pursuant to the fourth sentence of
23 clause (i), this clause shall be applied
24 in a budget neutral manner. Any ad-
25 justments made for the purposes of

1 such application of budget neutrality
2 may not—

3 “(aa) decrease the area
4 wage index applicable under this
5 subparagraph to a hospital with
6 an area wage index (determined
7 without regard to this clause)
8 below the 75th percentile area
9 wage index for the fiscal year; or
10 “(bb) result in an area wage
11 index applicable under this sub-
12 paragraph to a hospital for such
13 fiscal year that is less than 95
14 percent of the area wage index
15 applicable under this subpara-
16 graph to such hospital for the
17 preceding fiscal year.”.

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