

105TH CONGRESS  
1ST SESSION

# H. R. 1038

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1997

Mr. HINCHEY (for himself, Mr. FILNER, Ms. PELOSI, Mr. DELLUMS, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform and Oversight, 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 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 1997”.

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)) is amended—

8 (1) by striking “and” at the end of subpara-  
9 graphs (N) and (O); and

10 (2) by inserting after subparagraph (O) the fol-  
11 lowing new subparagraph:

12 “(P) qualified acupuncturist services (as de-  
13 fined in subsection (oo)); and”.

14 (b) PAYMENT RULES.—

15 (1) DETERMINATION OF AMOUNT OF PAY-  
16 MENT.—Section 1833(a)(1) of such Act (42 U.S.C.  
17 1395l(a)(1)) is amended—

18 (A) by striking “and” before “(P)”, and

19 (B) by striking the semicolon at the end  
20 and inserting the following: “, and (Q) with re-  
21 spect to qualified acupuncturist services de-  
22 scribed in section 1861(s)(2)(P), the amounts  
23 paid shall be the amount determined by a fee  
24 schedule established by the Secretary for pur-  
25 poses of this subparagraph (but in no event  
26 shall such amount exceed the fee schedule

1 amount provided under section 1848 for the  
 2 same service performed by a physician);”.

3 (2) SEPARATE PAYMENT FOR SERVICES  
 4 OF INSTITUTIONAL PROVIDERS.—Section  
 5 1832(a)(2)(B)(iii) of such Act (42 U.S.C.  
 6 1395k(a)(2)(B)(iii)) is amended—

7 (A) by striking “and services” and insert-  
 8 ing “services”; and

9 (B) by striking the semicolon at the end  
 10 and inserting the following: “, and qualified  
 11 acupuncturist services described in section  
 12 1861(s)(2)(P);”.

13 (c) SERVICES DESCRIBED.—Section 1861 of such  
 14 Act (42 U.S.C. 1395x) is amended by adding at the end  
 15 the following new subsection:

16 “Qualified Acupuncturist Services  
 17 “(oo)(1) The term ‘qualified acupuncturist services’  
 18 means such services furnished by a qualified acupuncturist  
 19 (as defined in paragraph (2)) and such services and sup-  
 20 plies furnished as an incident to services furnished by the  
 21 qualified acupuncturist which the qualified acupuncturist  
 22 is legally authorized to perform under State law (or the  
 23 State regulatory mechanism provided by State law).

24 “(2) The term ‘qualified acupuncturist’ means an in-  
 25 dividual who has been certified, licensed, or registered as

1 an acupuncturist by a State (or the State regulatory  
2 mechanism provided by State law).”.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to services furnished on or after  
5 January 1, 1998.

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

9 (a) IN GENERAL.—Section 8902(k)(1) of title 5,  
10 United States Code, is amended by inserting  
11 “acupuncturist,” after “nurse midwife,” each place it ap-  
12 pears.

13 (b) APPLICABILITY.—The amendment made by sub-  
14 section (a) shall apply with respect to services provided  
15 after December 31, 1997.

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