

105TH CONGRESS
2D SESSION

S. 2340

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.

IN THE SENATE OF THE UNITED STATES

JULY 22, 1998

Mr. HARKIN (for himself and Ms. MIKULSKI) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patient Access to Acu-
5 puncture Services Act of 1998”.

1 **SEC. 2. COVERAGE OF ACUPUNCTURIST SERVICES UNDER**
 2 **MEDICARE.**

3 (a) IN GENERAL.—Section 1861(s)(2) of the Social
 4 Security Act (42 U.S.C. 1395x(s)(2)) (as amended by sec-
 5 tion 4557 of the Balanced Budget Act of 1997) is amend-
 6 ed—

7 (1) in subparagraph (S), by striking “and” at
 8 the end;

9 (2) in subparagraph (T), by striking the period
 10 at the end and inserting “; and”; and

11 (b) by adding at the end the following:

12 “(U) qualified acupuncturist services (as de-
 13 fined in subsection (uu));”.

14 (b) PAYMENT RULES.—

15 (1) DETERMINATION OF AMOUNT OF PAY-
 16 MENT.—Section 1833(a)(1) of the Social Security
 17 Act (42 U.S.C. 1395l(a)(1)) (as amended by section
 18 4556(b) of the Balanced Budget Act of 1997) is
 19 amended—

20 (A) by striking “and” before “(S)”, and

21 (B) by striking the semicolon at the end
 22 and inserting the following: “, and (T) with re-
 23 spect to qualified acupuncturist services de-
 24 scribed in section 1861(s)(2)(U), the amounts
 25 paid shall be the amount determined by a fee

1 schedule established by the Secretary for pur-
 2 poses of this subparagraph;”.

3 (2) SEPARATE PAYMENT FOR SERVICES
 4 OF INSTITUTIONAL PROVIDERS.—Section
 5 1832(a)(2)(B)(iii) of the Social Security Act (42
 6 U.S.C. 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)(U);”.

13 (c) SERVICES DESCRIBED.—Section 1861 of the So-
 14 cial Security Act (42 U.S.C. 1395x) (as amended by sec-
 15 tion 4611(b) of the Balanced Budget Act of 1997) is
 16 amended by adding at the end the following:

17 “Qualified Acupuncturist Services
 18 “(uu)(1) The term ‘qualified acupuncturist services’
 19 means such services (with such frequency limits as the
 20 Secretary determines appropriate) furnished by a qualified
 21 acupuncturist (as defined in paragraph (2)) and such serv-
 22 ices and supplies (with such limits) furnished as an inci-
 23 dent to services furnished by the qualified acupuncturist
 24 that the qualified acupuncturist is legally authorized to

1 perform under State law (or under a State regulatory
2 mechanism provided by State law).

3 “(2) The term ‘qualified acupuncturist’ means an in-
4 dividual who has been certified, licensed, or registered as
5 an acupuncturist by a State (or under a State regulatory
6 mechanism provided by State law).”.

7 (d) GUIDANCE BY SECRETARY OF HEALTH AND
8 HUMAN SERVICES.—The Secretary of Health and Human
9 Services shall provide States with guidance regarding what
10 services a qualified acupuncturist (as defined in section
11 1861(uu)(2) of the Social Security Act (42 U.S.C.
12 1395x(uu)(2)) (as added by subsection (c)) should be le-
13 gally authorized to perform under State law (or under a
14 State regulatory mechanism provided by State law). In
15 providing such guidance, the Secretary of Health and
16 Human Services shall take into consideration the rec-
17 ommendations of the Director of the National Institutes
18 of Health relating to the effectiveness of certain acupunc-
19 ture services and modalities.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section apply to services furnished on or after Janu-
22 ary 1, 1999.

1 **SEC. 3. COVERAGE OF ACUPUNCTURIST SERVICES UNDER**
2 **FEDERAL EMPLOYEES HEALTH BENEFIT**
3 **PLANS.**

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

8 (b) APPLICABILITY.—The amendment made by sub-
9 section (a) applies with respect to services provided on or
10 after January 1, 1999.

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