

108TH CONGRESS
2D SESSION

S. 2707

To amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

Mr. LOTT 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 recognize the services of respiratory therapists under the plan of care for home health services.

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. MEDICARE RECOGNITION OF SERVICES OF**
4 **RESPIRATORY THERAPISTS UNDER A PLAN**
5 **OF CARE FOR HOME HEALTH SERVICES.**

6 (a) IN GENERAL.—Section 1861(m) of the Social Se-
7 curity Act (42 U.S.C. 1395x(m)) is amended by adding
8 at the end the following: “For purposes of paragraphs (1)
9 and (2), when respiratory therapy services are furnished
10 as part-time or intermittent nursing care or physical ther-

1 apy services under a home health plan of care, a res-
 2 piratory therapist, acting within the therapist's scope of
 3 practice, may furnish such services.'".

4 (b) NO IMPACT ON PAYMENT.—The provision of res-
 5 piratory therapy services as part of home health services
 6 under the amendment made by subsection (a) shall not
 7 affect the Low Utilization Payment Adjustment (LUPA),
 8 the outlier adjustment, or the therapy threshold under the
 9 system of prospective payment for home health agencies
 10 under section 1895 of the Social Security Act.

11 (c) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall apply to services furnished on or after
 13 January 1, 2004.

14 **SEC. 2. REPORT ON MEDICARE COVERAGE OF RES-**
 15 **PIRATORY THERAPY SERVICES.**

16 (a) STUDY.—The Secretary of Health and Human
 17 Services shall conduct a study on the impact of paying
 18 for the services of respiratory therapists as a separate ben-
 19 efit under part B of title XVIII of the Social Security Act
 20 and as an explicit component of the several benefits under
 21 part A of such title. The Secretary shall include in such
 22 study data on the utilization of respiratory therapists
 23 under the amendment made by section 1(a).

24 (b) REPORT.—Not later than 2 years after the date
 25 of the enactment of this Act, the Secretary shall submit

- 1 to Congress a report of the findings of the study conducted
- 2 under subsection (a).

