

110TH CONGRESS  
1ST SESSION

# H. R. 1774

To amend title XVIII of the Social Security Act to establish a separate definition of outpatient speech-language pathology services under the Medicare Program in order that direct payment to speech-language pathologists may be made under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. BUTTERFIELD (for himself, Mr. INSLEE, Mrs. CAPPS, Mr. FERGUSON, and Ms. SCHWARTZ) 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 establish a separate definition of outpatient speech-language pathology services under the Medicare Program in order that direct payment to speech-language pathologists may be made under the Medicare 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. MEDICARE SEPARATE DEFINITION OF OUT-**  
2 **PATIENT SPEECH-LANGUAGE PATHOLOGY**  
3 **SERVICES.**

4 (a) IN GENERAL.—Section 1861(ll) of the Social Se-  
5 curity Act (42 U.S.C. 1395x(ll)) is amended—

6 (1) by redesignating paragraphs (2) and (3) as  
7 paragraphs (3) and (4), respectively; and

8 (2) by inserting after paragraph (1) the fol-  
9 lowing new paragraph:

10 “(2) The term ‘outpatient speech-language pa-  
11 thology services’ has the meaning given the term  
12 ‘outpatient physical therapy services’ in subsection  
13 (p), except that in applying such subsection—

14 “(A) ‘speech-language pathology’ shall be  
15 substituted for ‘physical therapy’ each place it  
16 appears; and

17 “(B) ‘speech-language pathologist’ shall be  
18 substituted for ‘physical therapist’ each place it  
19 appears.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 1832(a)(2)(C) of the Social Security  
22 Act (42 U.S.C. 1395k(a)(2)(C)) is amended—

23 (A) by striking “and outpatient” and in-  
24 serting “, outpatient”; and

25 (B) by inserting before the period at the  
26 end the following: “, and outpatient speech-lan-

1           guage pathology services (other than services to  
2           which the second sentence of section 1861(p)  
3           applies through the application of section  
4           1861(ll)(2))”.

5           (2) Subparagraphs (A) and (B) of section  
6           1833(a)(8) of such Act (42 U.S.C. 1395l(a)(8)) are  
7           each amended by striking “(which includes out-  
8           patient speech-language pathology services)” and in-  
9           serting “, outpatient speech-language pathology  
10          services,”.

11          (3) Section 1833(g)(1) of such Act (42 U.S.C.  
12          1395l(g)(1)) is amended—

13                (A) by inserting “and speech-language pa-  
14                thology services of the type described in such  
15                section through the application of section  
16                1861(ll)(2)” after “1861(p)”; and

17                (B) by inserting “and speech-language pa-  
18                thology services” after “and physical therapy  
19                services”.

20          (4) The second sentence of section 1835(a) of  
21          such Act (42 U.S.C. 1395n(a)) is amended—

22                (A) by striking “section 1861(g)” and in-  
23                serting “subsection (g) or (ll)(2) of section  
24                1861” each place it appears; and

1 (B) by inserting “or outpatient speech-lan-  
2 guage pathology services, respectively” after  
3 “occupational therapy services”.

4 (5) Section 1861(p) of such Act (42 U.S.C.  
5 1395x(p)) is amended by striking the fourth sen-  
6 tence.

7 (6) Section 1861(s)(2)(D) of such Act (42  
8 U.S.C. 1395x(s)(2)(D)) is amended by inserting “,  
9 outpatient speech-language pathology services,” after  
10 “physical therapy services”.

11 (7) Section 1862(a)(20) of such Act (42 U.S.C.  
12 1395y(a)(20)) is amended—

13 (A) by striking “outpatient occupational  
14 therapy services or outpatient physical therapy  
15 services” and inserting “outpatient physical  
16 therapy services, outpatient speech-language pa-  
17 thology services, or outpatient occupational  
18 therapy services”; and

19 (B) by striking “section 1861(g)” and in-  
20 serting “subsection (g) or (ll)(2) of section  
21 1861”.

22 (8) Section 1866(e)(1) of such Act (42 U.S.C.  
23 1395cc(e)(1)) is amended—

1 (A) by striking “section 1861(g)” and in-  
2 serting “subsection (g) or (ll)(2) of section  
3 1861” the first two places it appears;

4 (B) by striking “therein) or” and inserting  
5 “therein),”; and

6 (C) by inserting before the semicolon at  
7 the end the following: “, or (through the oper-  
8 ation of section 1861(ll)(2)) with respect to the  
9 furnishing of outpatient speech-language pa-  
10 thology”.

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to services furnished on or after  
13 January 1, 2008.

14 (d) CONSTRUCTION.—Nothing in this section shall be  
15 construed to affect existing regulations and policies of the  
16 Centers for Medicare & Medicaid Services that require  
17 physician oversight of care as a condition of payment for  
18 speech-language pathology services under part B of the  
19 medicare program.

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