

110TH CONGRESS
2D SESSION

S. 2704

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2008

Mrs. LINCOLN (for herself and Mr. CRAPO) 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 Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

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 “Medicare Respiratory
5 Therapy Initiative Act of 2008”.

1 **SEC. 2. MEDICARE COVERAGE OF SERVICES OF QUALIFIED**
 2 **RESPIRATORY THERAPISTS PERFORMED**
 3 **UNDER THE GENERAL SUPERVISION OF A**
 4 **PHYSICIAN.**

5 (a) IN GENERAL.—Section 1861 of the Social Secu-
 6 rity Act (42 U.S.C. 1395x), as amended by section 114
 7 of the Medicare, Medicaid, and SCHIP Extension Act of
 8 2007 (Public Law 110–173), is amended—

9 (1) in subsection (s)(2)—

10 (A) by striking “and” at the end of sub-
 11 paragraph (Z);

12 (B) by adding “and” at the end of sub-
 13 paragraph (AA); and

14 (C) by adding at the end the following new
 15 subparagraph:

16 “(BB) respiratory therapy services which would
 17 be physicians’ services if furnished by a physician
 18 (as defined in subsection (r)(1)) for the diagnosis
 19 and treatment of respiratory illnesses and which are
 20 performed by a respiratory therapist (as defined in
 21 subsection (ddd)) under the general supervision of a
 22 physician and which the respiratory therapist is le-
 23 gally authorized to perform by the State in which
 24 the services are performed, but only if no facility or
 25 other provider charges or is paid any amounts with
 26 respect to the furnishing of such services.”; and

1 (2) by adding at the end the following new sub-
 2 section:

3 “Respiratory Therapist

4 “(ddd) For purposes of subsection (s)(2)(BB) and
 5 section 1833(a)(1)(W) only, the term ‘respiratory thera-
 6 pist’ means an individual who—

7 “(1) is credentialed by a national credentialing
 8 board recognized by the Secretary;

9 “(2)(A) is licensed to practice respiratory ther-
 10 apy in the State in which the respiratory therapy
 11 services are performed, or (B) in the case of an indi-
 12 vidual in a State which does not provide for such li-
 13 censure, is legally authorized to perform respiratory
 14 therapy services (in the State in which the individual
 15 performed such services) under State law (or the
 16 State regulatory mechanism provided by State law);

17 “(3) is a registered respiratory therapist; and

18 “(4) holds a bachelor’s degree.”.

19 (b) PAYMENT.—Section 1833(a)(1) of such Act (42
 20 U.S.C. 1395l(a)(1)) is amended—

21 (1) by striking “and” before “(V)”; and

22 (2) by inserting before the semicolon at the end
 23 the following: “(W) with respect to services de-
 24 scribed in section 1861(s)(2)(BB) (relating to serv-
 25 ices furnished by a respiratory therapist) that are

1 furnished by a respiratory therapist (as defined in
2 section 1861(ddd)), the amount paid shall be equal
3 to 80 percent of the lesser of the actual charge for
4 the services or 85 percent of the fee schedule
5 amount provided under section 1848 for the same
6 services if furnished by a physician”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to services furnished on or after
9 January 1, 2009.

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