

111TH CONGRESS  
1ST SESSION

# H. R. 1137

To amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. TOWNS 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 provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes.

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 “Athletic Trainers’  
5 Equal Access to Medicare Act of 2009”.

1 **SEC. 2. ACCESS TO PHYSICAL MEDICINE AND REHABILITA-**  
 2 **TION SERVICES PROVIDED INCIDENT TO A**  
 3 **PHYSICIAN.**

4 Section 1862(a)(20) of the Social Security Act (42  
 5 U.S.C. 1395y(a)(20)) is amended by striking “(other than  
 6 any licensing requirement specified by the Secretary)” and  
 7 inserting “(other than any licensing, education, or  
 8 credentialing requirements specified by the Secretary)”.

9 **SEC. 3. COVERAGE OF CERTIFIED ATHLETIC TRAINER**  
 10 **SERVICES UNDER PART B OF THE MEDICARE**  
 11 **PROGRAM.**

12 (a) **COVERAGE OF SERVICES.**—Section 1861 of the  
 13 Social Security Act (42 U.S.C. 1395x) is amended—

14 (1) in subsection (s)(2)—

15 (A) in subparagraph (DD), by striking  
 16 “and” at the end;

17 (B) in subparagraph (EE), by adding  
 18 “and” at the end; and

19 (C) by adding at the end the following new  
 20 subparagraph:

21 “(FF) certified athletic trainer services (as de-  
 22 fined in subsection (hhh)(1));”; and

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

1 “Certified Athletic Trainer Services

2 “(hhh)(1) The term ‘certified athletic trainer serv-  
3 ices’ means services performed by a certified athletic train-  
4 er (as defined in paragraph (2)) under the supervision of  
5 a physician (as defined in subsection (r)), which the ath-  
6 letic trainer is legally authorized to perform under State  
7 law (or the State regulatory mechanism provided by State  
8 law) of the State in which such services are performed,  
9 as would otherwise be covered if furnished by a physician  
10 (as so defined) or as an incident to a physician’s profes-  
11 sional service, to an individual—

12 “(A) who is under the care of a physician (as  
13 so defined); and

14 “(B) with respect to whom a plan prescribing  
15 the type, amount, and duration of services that are  
16 to be furnished to such individual has been estab-  
17 lished by a physician (as so defined).

18 Such term does not include any services for which a facil-  
19 ity or other provider charges or is paid any amounts with  
20 respect to the furnishing of such services.

21 “(2) The term ‘certified athletic trainer’ means an  
22 individual who—

23 “(A) in the case of an individual performing  
24 services in a State that provides for licensure or cer-

tification of athletic trainers, is licensed or certified as an athletic trainer in such State; or

“(B) in the case of an individual performing services in a State that does not provide for licensure or certification of athletic trainers, possesses a bachelors, master’s or doctoral degree which qualifies for certification as an athletic trainer, and, has successfully passed a national certification examination for Athletic Trainers recognized by the Secretary.”.

(b) PAYMENT.—

(1) IN GENERAL.—Section 1832(a)(2)(B) of such Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

“(v) certified athletic trainer services;”.

(2) AMOUNT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and” before “(W)”;

(B) by inserting before the semicolon at the end the following: “, and (X) with respect to certified athletic trainer services under section 1861(s)(2)(FF), the amounts paid shall be 80 percent of the lesser of the actual charge for the service or the fee schedule amount under

1 section 1848 for the same service performed by  
2 a physician”.

3 (3) PAYMENT TO EMPLOYER.—The first sen-  
4 tence of section 1842(b)(6) of such Act (42 U.S.C.  
5 1395u(b)(6)) is amended—

6 (A) by striking “and” before “(H)”; and

7 (B) by inserting before “; but nothing” the  
8 following: “, and (I) in the case of certified ath-  
9 letic trainer services, payment shall be made to  
10 the physician, clinic, or hospital that employs  
11 the athletic trainer involved”.

12 (c) INCLUSION OF SERVICES IN THE THERAPY  
13 CAP.—Section 1833(g)(1) of such Act (42 U.S.C.  
14 1395l(g)(1)) is amended—

15 (1) by striking “and” before “physical ther-  
16 apy”; and

17 (2) by inserting after “or as incident to physi-  
18 cians’ services,” the following: “and certified athletic  
19 trainer services”.

20 (d) INCLUSION OF ATHLETIC TRAINERS AS PRACTI-  
21 TIONERS FOR ASSIGNMENT OF CLAIMS.—Section  
22 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C))  
23 is amended by adding at the end the following new clause:

24 “(vii) A certified athletic trainer (as defined in  
25 section 1861(hhh)(1)).”.

1       (e) COVERAGE OF CERTAIN PHYSICAL MEDICINE  
2 AND REHABILITATION SERVICES PROVIDED IN RURAL  
3 HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH  
4 CENTERS.—Section 1861(aa)(1)(B) of such Act (42  
5 U.S.C. 1395x(aa)(1)(B)) is amended—

6           (1) by striking “or” before “by a clinical social  
7 worker”; and

8           (2) by inserting after “subsection (hh)(1),” the  
9 following: “by a certified athletic trainer (as defined  
10 in subsection (hhh)(2))”.

11       (f) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply with respect to services furnished  
13 on or after January 1, 2010.

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