

113TH CONGRESS
1ST SESSION

H. R. 3769

To extend the nonenforcement instruction for the Medicare direct supervision requirement for therapeutic hospital outpatient services insofar as it applies to critical access hospitals and rural hospitals, to require a study of the impact on critical access hospitals and rural hospitals of a failure to extend such instruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. SMITH of Nebraska (for himself and Ms. JENKINS) 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

A BILL

To extend the nonenforcement instruction for the Medicare direct supervision requirement for therapeutic hospital outpatient services insofar as it applies to critical access hospitals and rural hospitals, to require a study of the impact on critical access hospitals and rural hospitals of a failure to extend such instruction, 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,*

1 **SECTION 1. EXTENSION OF NONENFORCEMENT INSTRUC-**
2 **TION FOR THE MEDICARE DIRECT SUPER-**
3 **VISION REQUIREMENT FOR THERAPEUTIC**
4 **HOSPITAL OUTPATIENT SERVICES FOR CRIT-**
5 **ICAL ACCESS HOSPITALS AND RURAL HOS-**
6 **PITALS; STUDY OF IMPACT OF FAILURE TO**
7 **EXTEND SUCH INSTRUCTION.**

8 (a) EXTENSION OF THERAPY SUPERVISION NON-
9 ENFORCEMENT INSTRUCTION.—The Secretary of Health
10 and Human Services shall, during the extension period,
11 extend the therapy supervision nonenforcement instruc-
12 tion.

13 (b) DEFINITIONS.—In this section:

14 (1) THERAPY SUPERVISION NONENFORCEMENT
15 INSTRUCTION.—The term “therapy supervision non-
16 enforcement instruction” means the enforcement in-
17 struction on supervision requirements for outpatient
18 therapeutic services in critical access and small rural
19 hospitals, as extended for calendar year 2013 by the
20 Centers for Medicare & Medicaid Services (released
21 as of November 1, 2012).

22 (2) CRITICAL ACCESS HOSPITAL; SMALL RURAL
23 HOSPITAL.—The terms “critical access hospital” and
24 “small rural hospital” have the meanings given such
25 terms for purposes of the therapy supervision non-
26 enforcement instruction.

1 (3) EXTENSION PERIOD.—The term “extension
2 period” means calendar year 2014, and includes a
3 subsequent calendar year unless the report under
4 subsection (c)(2) has been submitted at least 90
5 days before the end of the previous calendar year.

6 (c) STUDY AND REPORT ON IMPACT OF FAILURE TO
7 EXTEND THERAPY SUPERVISION NONENFORCEMENT IN-
8 STRUCTION.—

9 (1) STUDY.—The Secretary of Health and
10 Human Services shall conduct a study on the impact
11 (including the economic impact and the impact upon
12 hospital staffing needs, if any) on critical access hos-
13 pitals and small rural hospitals of not extending the
14 therapy supervision nonenforcement instruction.

15 (2) REPORT.—The Secretary of Health and
16 Human Services shall submit to Congress a report
17 on the findings of the study conducted under para-
18 graph (1), including recommendations regarding on
19 whether the therapy supervision nonenforcement in-
20 struction should be extended or made permanent.

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