

113TH CONGRESS
1ST SESSION

S. 328

To amend title XVIII of the Social Security Act to allow certain critical access hospitals and sole community hospitals to use interactive telecommunications systems to satisfy requirements with respect to having a physician available to stabilize an individual with an emergency medical condition under the Medicare program.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. THUNE (for himself, Mr. UDALL of New Mexico, and Mr. BENNET) 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 allow certain critical access hospitals and sole community hospitals to use interactive telecommunications systems to satisfy requirements with respect to having a physician available to stabilize an individual with an emergency medical condition 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Rural
5 Access to Emergency Services Act”.

1 **SEC. 2. ALLOWING CERTAIN CRITICAL ACCESS HOSPITALS**
 2 **AND SOLE COMMUNITY HOSPITALS TO USE**
 3 **INTERACTIVE TELECOMMUNICATIONS SYS-**
 4 **TEMS TO SATISFY REQUIREMENTS WITH RE-**
 5 **SPECT TO HAVING A PHYSICIAN AVAILABLE**
 6 **TO STABILIZE AN INDIVIDUAL WITH AN**
 7 **EMERGENCY MEDICAL CONDITION.**

8 (a) IN GENERAL.—Section 1866(a) of the Social Se-
 9 curity Act (42 U.S.C. 1395cc(a)) is amended—

10 (1) in paragraph (1)(I)(iii), by inserting “(sub-
 11 ject to paragraph (4))” after “on call for duty”; and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(4)(A) For purposes of paragraph (1)(I)(iii) of this
 15 subsection and subsections (b)(1)(A) and (d)(1)(C) of sec-
 16 tion 1867, effective on the date of enactment of this para-
 17 graph, with respect to an applicable critical access hospital
 18 or applicable sole community hospital, a physician is con-
 19 sidered on call for duty under such paragraph, available
 20 to provide further medical examination and treatment nec-
 21 essary to stabilize an individual with an emergency med-
 22 ical condition under such subsection (b)(1)(A), and to
 23 have appeared under such subsection (d)(1)(C), if the phy-
 24 sician is available—

25 “(i) in person; or

1 “(ii) subject to subparagraph (B), by interactive
2 telecommunications system (as defined in section
3 410.78(a)(3) of title 42, Code of Federal Regula-
4 tions).

5 “(B) Subparagraph (A)(ii) shall only apply if—

6 “(i) the physician available by such interactive
7 telecommunications system is board certified in
8 emergency medicine or pediatric emergency medi-
9 cine; and

10 “(ii) a nurse practitioner or physician assistant
11 (as those terms are defined in section 1861(aa)(5))
12 is onsite in the emergency department.

13 “(C) In this paragraph:

14 “(i) The term ‘applicable critical access hos-
15 pital’ means a critical access hospital (as defined in
16 section 1861(mm)(1)) located—

17 “(I) in an area that is designated as a
18 rural health professional shortage area under
19 section 332(a)(1)(A) of the Public Health Serv-
20 ice Act; and

21 “(II) in a county that is not included in a
22 Metropolitan Statistical area.

23 “(ii) The term ‘applicable sole community hos-
24 pital’ means a sole community hospital (as defined
25 in section 1886(d)(5)(D)(iii)) that—

1 “(I) has less than 50 beds;

2 “(II) has an emergency department; and

3 “(III) is located—

4 “(aa) in an area that is designated as
5 a rural health professional shortage area
6 under section 332(a)(1)(A) of the Public
7 Health Service Act; and

8 “(bb) in a county that is not included
9 in a Metropolitan Statistical Area.”.

10 (b) CONFORMING AMENDMENTS.—Section 1867 of
11 the Social Security Act (42 U.S.C. 1395dd) is amended—

12 (1) in subsection (b)(1)(A), by inserting “(de-
13 termined in accordance with section 1866(a)(4))”
14 after “hospital”; and

15 (2) in subsection (d)(1)(C), in the first sen-
16 tence, by inserting “(determined in accordance with
17 section 1866(a)(4))” after “refuses to appear”.

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