

115TH CONGRESS
1ST SESSION

H. R. 409

To amend title XVIII of the Social Security Act to sunset certain penalties relating to meaningful electronic health records use by Medicare eligible professionals and hospitals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 amend title XVIII of the Social Security Act to sunset certain penalties relating to meaningful electronic health records use by Medicare eligible professionals and hospitals, 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 “Putting Patients and
5 Providers Ahead of Compressed Regulatory Timelines Act
6 of 2017”.

1 **SEC. 2. SUNSETTING CERTAIN PENALTIES RELATING TO**
2 **MEANINGFUL EHR USE.**

3 (a) **ELIGIBLE PROFESSIONALS.—**

4 (1) **IN GENERAL.**—Section 1848(a)(7) of the
5 Social Security Act (42 U.S.C. 1395w–4(a)(7)) is
6 amended by striking subparagraph (A).

7 (2) **EFFECTIVE DATE; REBATE.—**

8 (A) **EFFECTIVE DATE.**—The amendment
9 made by paragraph (1) shall apply with respect
10 to items and services furnished on or after Jan-
11 uary 1, 2015.

12 (B) **REBATE.**—With respect to items and
13 services furnished during the period beginning
14 on January 1, 2015, and ending on the date of
15 the enactment of this Act, the Secretary of
16 Health and Human Services shall implement a
17 method to provide eligible professionals (as de-
18 fined in section 1848(o)(5)(C) of the Social Se-
19 curity Act (42 U.S.C. 1395w–4(o)(5)(C))) a re-
20 imbursement equal to the amount by which—

21 (i) the amount of reimbursement
22 made under section 1848 of such Act (42
23 U.S.C. 1395w–4), before application of
24 this subsection, for such items and services
25 furnished during such period by such pro-
26 fessionals, is less than

1 (ii) the amount of reimbursement that
2 would have been made under such section,
3 after application of this subsection, for
4 such items and services furnished by such
5 professionals during such period.

6 (b) ELIGIBLE HOSPITALS.—

7 (1) IN GENERAL.—Section 1886(b)(3)(B) of
8 the Social Security Act (42 U.S.C.
9 1395ww(b)(3)(B)) is amended by striking clause
10 (ix).

11 (2) EFFECTIVE DATE; REBATE.—

12 (A) EFFECTIVE DATE.—The amendment
13 made by paragraph (1) shall apply with respect
14 to items and services furnished on or after Oc-
15 tober 1, 2014.

16 (B) REBATE.—With respect to items and
17 services furnished during the period beginning
18 on October 1, 2014, and ending on the date of
19 the enactment of this Act, the Secretary of
20 Health and Human Services shall implement a
21 method to provide eligible hospitals (as defined
22 in section 1886(n)(6)(A) of the Social Security
23 Act (42 U.S.C. 1395ww(n)(6)(A))) a reimburse-
24 ment equal to the amount by which—

1 (i) the amount of reimbursement
2 made under section 1886 of such Act (42
3 U.S.C. 1395ww), before application of this
4 subsection, for such items and services fur-
5 nished during such period by such hos-
6 pitals, is less than

7 (ii) the amount of reimbursement that
8 would have been made under such section,
9 after application of this subsection, for
10 such items and services furnished by such
11 hospitals during such period.

12 (c) CRITICAL ACCESS HOSPITALS.—

13 (1) IN GENERAL.—Section 1814(l) of the Social
14 Security Act (42 U.S.C. 1395f(l)) is amended by
15 striking paragraph (4).

16 (2) EFFECTIVE DATE; REBATE.—

17 (A) EFFECTIVE DATE.—The amendment
18 made by paragraph (1) shall apply with respect
19 to items and services furnished during a report-
20 ing period beginning on or after October 1,
21 2014.

22 (B) REBATE.—With respect to items and
23 services furnished during the period beginning
24 on the first day on which paragraph (1) applies,
25 and ending on the date of the enactment of this

1 Act, the Secretary of Health and Human Serv-
2 ices shall implement a method to provide crit-
3 ical access hospitals a reimbursement equal to
4 the amount by which—

5 (i) the amount of reimbursement
6 made under section 1814 of the Social Se-
7 curity Act (42 U.S.C. 1395f), before appli-
8 cation of this subsection, for such items
9 and services furnished during such period
10 by such hospitals, is less than

11 (ii) the amount of reimbursement that
12 would have been made under such section,
13 after application of this subsection, for
14 such items and services furnished by such
15 hospitals during such period.

16 (d) MEDICARE ADVANTAGE.—

17 (1) IN GENERAL.—Section 1853 of the Social
18 Security Act (42 U.S.C. 1395w–23) is amended—

19 (A) in subsection (l)—

20 (i) in paragraph (1)—

21 (I) by striking “paragraphs (3)
22 and (4)” and inserting “paragraph
23 (3)”;

1 (II) by striking “sections 1848(o)
2 and 1848(a)(7)” and inserting “sec-
3 tion 1848(o)”; and

4 (III) by striking “and payment
5 adjustments under paragraph (4)
6 shall apply to”; and

7 (ii) by striking paragraph (4); and

8 (B) in subsection (m)—

9 (i) in paragraph (1)—

10 (I) by striking “paragraphs (3)
11 and (4)” and inserting “paragraph
12 (3)”; and

13 (II) by striking “sections 1886(n)
14 and 1886(b)(3)(B)(ix)” and inserting
15 “section 1886(n)”; and

16 (III) by striking “and payment
17 adjustments under paragraph (4)
18 shall apply to”; and

19 (ii) by striking paragraph (4).

20 (2) EFFECTIVE DATE; REBATE.—

21 (A) EFFECTIVE DATE.—The amendments
22 made by paragraph (1) shall apply with respect
23 to items and services furnished during an appli-
24 cable period beginning on or after October 1,
25 2014.

1 (B) REBATE.—With respect to items and
2 services furnished during the period beginning
3 on the first day on which paragraph (1) applies,
4 and ending on the date of the enactment of this
5 Act, the Secretary of Health and Human Serv-
6 ices shall implement a method to provide MA
7 organizations a reimbursement equal to the
8 amount by which—

9 (i) the payment amount payable under
10 section 1853 of the Social Security Act (42
11 U.S.C. 1395w–23) for such organization,
12 before application of this subsection, for
13 such items and services furnished during
14 such period, is less than

15 (ii) the payment amount that would
16 have been payable under such section for
17 such organization, after application of this
18 subsection, for such items and services fur-
19 nished during such period.

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