

116TH CONGRESS  
2D SESSION

# H. R. 5808

To amend title XVIII of the Social Security Act to provide for coverage of rural emergency medical access services under the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2020

Mr. ARRINGTON (for himself and Mr. CUELLAR) 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage of rural emergency medical access services under 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 “Save Rural Commu-  
5 nities Act of 2020”.

### 6 **SEC. 2. MEDICARE RURAL EMERGENCY ACCESS CENTERS** 7 **AND SERVICES.**

8 (a) IN GENERAL.—

(A) in subsection (e), in the last sentence of the matter following paragraph (9), by inserting “or a rural emergency access center (as defined in subsection (kkk)(1))” before the period at the end; and

9 (B) by adding at the end the following sub-  
10 section:

11 “Rural Emergency Access Center; Rural Access Medical  
12 Center Services

13       “(kkk)(1) The term ‘rural emergency access center’  
14 means a facility that—

15           “(A) was, as of the date that is 2 years prior  
16           to the date of the enactment of this subsection—

“(i) a hospital with not more than 50 beds located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D));

21 “(ii) a hospital with not more than 50 beds  
22 that was treated as being located in a rural  
23 area pursuant to section 1886(d)(8)(E); or

24 “(iii) a critical access hospital;

1           “(B) provides 24-hour emergency medical care  
2           and observation care that does not exceed an annual  
3           per patient average of 24 hours or more than 1 mid-  
4           night;

5           “(C) does not provide any acute care inpatient  
6           beds and has protocols in place for the timely trans-  
7           fer of patients who require acute care inpatient serv-  
8           ices or other inpatient services;

9           “(D) provides for the transport of patients who  
10          require acute care inpatient services or other inpa-  
11          tient services from the rural emergency access center  
12          to a hospital or critical access hospital, either by the  
13          rural emergency access center’s ambulance service  
14          provider or through another ambulance service sup-  
15          plier;

16          “(E) has elected to be designated as a rural  
17          emergency access center;

18          “(F) has been licensed by, or received approval  
19          to operate as a qualified emergency medical center  
20          from, the State under paragraph (3); and

21          “(G) is certified by the Secretary under para-  
22          graph (4).

23          “(2) The term ‘rural emergency access center serv-  
24          ices’ means medical and other health services furnished  
25          by a rural emergency access center on an outpatient basis.

1 “(3) A facility may not operate as a rural emergency  
2 access center unless the facility—

3 “(A) is located in a State that provides for the  
4 licensing of emergency medical centers under State  
5 or applicable local law; and

6 “(B)(i) is licensed pursuant to such law; or

7 “(ii) is approved by the agency of such State or  
8 locality responsible for licensing hospitals, as meet-  
9 ing the standards established for such licensing.

10 “(4) The Secretary shall certify a facility as a rural  
11 emergency access center if the facility—

12 “(A) meets the criteria for rural emergency ac-  
13 cess center described in subparagraphs (A) through  
14 (F) of paragraph (1);

15 “(B) has in effect a transfer agreement with a  
16 level I or level II trauma center; and

17 “(C) meets such staff training and certification  
18 requirements as the Secretary may require.”.

19 (2) PAYMENT FOR RURAL EMERGENCY ACCESS  
20 CENTER SERVICES.—

21 (A) IN GENERAL.—Section 1833(a) of the  
22 Social Security Act (42 U.S.C. 1395l(a)) is  
23 amended—

24 (i) in paragraph (8), by striking  
25 “and” at the end;

1 (ii) in paragraph (9), by striking the  
2 period at the end and inserting “; and”;  
3 and

4 (iii) by inserting after paragraph (9)  
5 the following new paragraph:

6 “(10) in the case of rural emergency access cen-  
7 ter services and services provided by a rural emer-  
8 gency access center ambulance service provider or  
9 another ambulance service supplier to transport pa-  
10 tients who require acute care inpatient services or  
11 other inpatient services from such rural emergency  
12 access center to a hospital or critical access hospital,  
13 the amounts described in section 1834(x).”.

14 (B) PAYMENT AMOUNT.—Section 1834 of  
15 the Social Security Act (42 U.S.C. 1395m) is  
16 amended by adding at the end the following  
17 subsection:

18 “(x) PAYMENT RULES RELATING TO RURAL EMER-  
19 GENCY ACCESS CENTERS.—

20 “(1) PAYMENT FOR RURAL EMERGENCY ACCESS  
21 CENTER OUTPATIENT SERVICES.—The amount of  
22 payment for rural emergency access center services  
23 of a rural emergency access center is determined as  
24 follows:

1           “(A) FACILITY FEE.—With respect to fa-  
2           cility services (other than services for which  
3           payment is made under subparagraph (B)), the  
4           sum of the following:

5                   “(i) OPPS RATE.—The amount of  
6                   payment that would otherwise apply under  
7                   section 1833(t) for covered OPD services  
8                   (as defined in section 1833(t)(1)(B) (other  
9                   than clause (ii) of such section)).

10                   “(ii) ADDITIONAL FEE.—An addi-  
11                   tional facility payment in an amount deter-  
12                   mined appropriate by the Secretary that  
13                   takes into account the low volume of serv-  
14                   ices provided by such center and the low  
15                   number of individuals served by such cen-  
16                   ter.

17           “(B) PROFESSIONAL SERVICES.—With re-  
18           spect to professional services, the amount of  
19           payment that would otherwise be made under  
20           this part (other than under section  
21           1833(t)(21)) for such services.

22           “(2) PAYMENT FOR TRANSPORTATION SERV-  
23           ICES.—The payment amount for ambulance services  
24           provided by a rural emergency access center ambu-  
25           lance service provider or another ambulance service

supplier to transport patients who require acute care inpatient services or other inpatient services from such rural emergency access center to a hospital or critical access hospital is equal to the sum of—

“(A) the amount that would otherwise be paid for such ambulance services under section 1834(l); and

“(B) an additional amount determined appropriate by the Secretary.”.

(b) CONDITIONS OF PARTICIPATION.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (X), by striking at the end “and”;

(2) in subparagraph (Y), by striking at the end the period and inserting “, and”; and

(3) by inserting after subparagraph (Y) the following new subparagraph:

“(Z) in the case of a rural emergency access center, to meet requirements applicable to critical access hospitals under this title, other than—

“(i) requirements relating to a Medicare rural hospital flexibility program under section 1820(c), including state designation of a facility as a critical access hospital and criteria for

1 such designation under paragraph (2) of such  
2 section;

3 “(ii) requirements relating to critical ac-  
4 cess hospitals and rural health networks under  
5 section 1820(d);

6 “(iii) certification by the Secretary as a  
7 critical access hospital under section 1820(e);

8 “(iv) requirements relating to the provision  
9 of inpatient hospital services or acute care beds  
10 by a hospital or critical access hospital under  
11 this section, including under—

12 “(I) paragraph (1)(G) of this sub-  
13 section (relating to certain payment re-  
14 strictions for inpatient hospital services);  
15 and

16 “(II) paragraph (1)(T) of this sub-  
17 section (relating to data submission re-  
18 quirements for inpatient hospital services  
19 for purposes of the low-volume adjust-  
20 ment); and

21 “(v) such others provisions of law or regu-  
22 lation, including provisions under Part B and  
23 Part E, as the Secretary may specify.”.

24 (c) TREATMENT AS TELEHEALTH ORIGINATING  
25 SITE.—Section 1834(m)(4)(C)(ii) of the Social Security

1 Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding  
2 at the end the following new subclause:

3 “(XI) A rural emergency access  
4 center (as defined in section  
5 1861(kkk)(1)).”.

6 (d) CONFORMING AMENDMENT.—Section 1861(u) of  
7 the Social Security Act (42 U.S.C. 1395x(u)) is amended  
8 by inserting “rural emergency access center,” after “crit-  
9 ical access hospital,”.

10 (e) 340B COVERED ENTITY.—Section 340B(a)(4) of  
11 the Public Health Service Act (42 U.S.C. 256b(a)(4)) is  
12 amended by adding at the end the following new subpara-  
13 graph:

14 “(P) A rural emergency access center (as  
15 defined in section 1861(kkk)(1) of the Social  
16 Security Act) and that meets the requirements  
17 of subparagraph (L)(i).”.

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