

116TH CONGRESS
2D SESSION

H. R. 7292

To amend title XVIII of the Social Security Act to provide for forgiveness of certain accelerated and advance payments under parts A and B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2020

Ms. KAPTUR (for herself, Mr. GIBBS, Mr. FITZPATRICK, Mr. GONZALEZ of Ohio, Mr. RUPPERSBERGER, Mr. RYAN, Mr. RUSH, Mr. LAMALFA, Mr. VAN DREW, Mr. KEATING, Mr. STIVERS, Mr. KING of Iowa, Mr. NORCROSS, Mr. LYNCH, Mrs. BEATTY, Mr. BALDERSON, Mr. COHEN, Ms. STEVENS, Mr. MITCHELL, Ms. FUDGE, Mr. O'HALLERAN, Mr. TONKO, Ms. WILD, Mr. VEASEY, Mr. YOUNG, Mr. SIRES, Mr. TURNER, Ms. JACKSON LEE, Mr. DANNY K. DAVIS of Illinois, Ms. SHERRILL, Mrs. MCBATH, Mr. COX of California, Mr. EVANS, Mr. MOULTON, Mr. KATKO, Mr. ENGEL, Mr. JOYCE of Ohio, Mr. KING of New York, Mr. ROSE of New York, and Mrs. TRAHAN) 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 amend title XVIII of the Social Security Act to provide for forgiveness of certain accelerated and advance payments under parts A and B of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “The COVID-19 Hospital
3 and Health Provider Loan Forgiveness Act of 2020”.

4 **SEC. 2. PROVIDING FOR FORGIVENESS OF CERTAIN ACCEL-**
5 **ERATED AND ADVANCE PAYMENTS UNDER**
6 **PARTS A AND B OF THE MEDICARE PRO-**
7 **GRAM.**

8 (a) FORGIVENESS OF PAYMENTS.—

9 (1) PART A.—Section 1815(f) of the Social Se-
10 curity Act (42 U.S.C. 1395g(f)) is amended—

11 (A) in paragraph (2), by adding at the end
12 the following new subparagraph:

13 “(D) In the case of an accelerated payment
14 made to a hospital under such program on or after
15 the date of the enactment of the CARES Act and
16 so made during the emergency period described in
17 section 1135(g)(1)(B), the Secretary shall waive the
18 requirement that such payment be repaid (or re-
19 couped) if the hospital meets the requirements de-
20 scribed in paragraph (5), except that such waiver
21 shall not apply with respect to any amounts from
22 such payment that were not used for COVID–19
23 losses or expenses of the hospital as of June 30,
24 2021, based on the attestation of the hospital. The
25 hospital shall repay any such amounts to the Sec-
26 retary not later than July 1, 2023. The interest rate

1 for any such amount not so repaid as of such date
2 shall be 2 percent if the hospital demonstrates hard-
3 ship.”;

4 (B) in paragraph (3), by inserting “and
5 paragraph (2)(D)” after “paragraph (2)(C)”;
6 and

7 (C) by adding at the end the following new
8 paragraph:

9 “(5) For purposes of paragraph (2)(D), the require-
10 ments described in this paragraph are the following:

11 “(A) The hospital did not use any portion of a
12 payment described in such paragraph for compensa-
13 tion or benefits, including salary, bonuses, awards of
14 stock, or other financial benefits, for an officer or
15 employee described in section 4004(a)(2) of the
16 CARES Act (Public Law 116–136).

17 “(B) The hospital used at least 60 percent of
18 such payment for employee compensation (other
19 than an officer or employee described in subpara-
20 graph (A)) during the period beginning on January
21 1, 2020, and ending on June 30, 2021.

22 “(C) The hospital did not balance bill or sur-
23 prise bill any COVID–19 patient.”.

24 (2) PART B.—

(A) IN GENERAL.—In carrying out the program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation), in the case of a payment made under such program to an entity on or after the date of the enactment of the CARES Act (Public Law 116–136) and so made during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human shall waive the requirement that such payment be repaid (or recouped) if the entity meets the requirements described in subparagraph (B), except that such waiver shall not apply with respect to any amounts from such payment that were not used for COVID–19 losses or expenses of the entity as of June 30, 2021, based on the attestation of the entity. The entity shall repay any such amounts to the Secretary not later than July 1, 2023. The interest rate for any such amount not so repaid as of such date shall be 2 percent if the entity demonstrates hardship.

1 (B) REQUIREMENTS.—For purposes of
2 subparagraph (A), the requirements described
3 in this subparagraph are the following:

4 (i) The entity did not use any portion
5 of a payment described in such subpara-
6 graph for compensation or benefits, includ-
7 ing salary, bonuses, awards of stock, or
8 other financial benefits, for an officer or
9 employee described in section 4004(a)(2)
10 of the CARES Act (Public Law 116–136).

11 (ii) The entity used at least 60 per-
12 cent of such payment for employee com-
13 pensation (other than an officer or em-
14 ployee described in clause (i)) during the
15 period beginning on January 1, 2020, and
16 ending on June 30, 2021.

17 (iii) The entity did not balance bill or
18 surprise bill any COVID–19 patient.

19 (b) ENSURING THE SOLVENCY OF MEDICARE TRUST
20 FUNDS.—

21 (1) FEDERAL HOSPITAL INSURANCE TRUST
22 FUND.—Section 1817 of the Social Security Act (42
23 U.S.C. 1395i) is amended by adding at the end the
24 following new subsection:

1 “(1) ACCELERATED PAYMENT PROGRAM TRANS-
2 FERS.—

3 “(1) IN GENERAL.—There shall be transferred
4 from the General Fund of the Treasury to the Trust
5 Fund, periodically (as determined by the Managing
6 Trustee), amounts such that the aggregate amount
7 so transferred under this paragraph equals the total
8 amount of specified payments (as defined in para-
9 graph (2)) made under this part.

10 “(2) SPECIFIED PAYMENT.—In this subsection,
11 the term ‘specified payment’ means a payment that
12 is made—

13 “(A) under section 1815(e)(3); and

14 “(B) during the emergency period de-
15 scribed in section 1135(g)(1)(B).”.

16 (2) FEDERAL SUPPLEMENTARY MEDICAL IN-
17 SURANCE TRUST FUND.—Section 1841 of the Social
18 Security Act (42 U.S.C. 1395t) is amended by add-
19 ing at the end the following new subsection:

20 “(j) ADVANCE PAYMENT PROGRAM TRANSFERS.—

21 “(1) IN GENERAL.—There shall be transferred
22 from the General Fund of the Treasury to the Trust
23 Fund, periodically (as determined by the Secretary/
24 the Managing Trustee), amounts such that the ag-
25 gregate amount so transferred under this paragraph

1 equals the total amount of specified payments (as
 2 defined in paragraph (2)) made under this part.

3 “(2) SPECIFIED PAYMENT.—In this subsection,
 4 the term ‘specified payment’ means a payment that
 5 is made—

6 “(A) under the program described in sec-
 7 tion 421.214 of title 42, Code of Federal Regu-
 8 lations (or a successor regulation); and

9 “(B) during the emergency period de-
 10 scribed in section 1135(g)(1)(B).”.

11 (c) INSURER REQUIREMENTS.—Subpart II of part A
 12 of title XXVII of the Public Health Service Act (42 U.S.C.
 13 300gg–11 et seq.) is amended by adding at the end the
 14 following new section:

15 **“SEC. 2730. COVERAGE AND PAYMENT REQUIREMENTS FOR**
 16 **ITEMS AND SERVICES FURNISHED TO COVID–**
 17 **19 PATIENTS OUT-OF-NETWORK.**

18 “In the case of an item or service furnished by a
 19 health care provider to a COVID–19 patient who is an
 20 enrollee in a group health plan or group or individual
 21 health insurance coverage offered by a health insurance
 22 issuer, if such provider does not have in effect a contrac-
 23 tual relationship for furnishing such item or service under
 24 such plan or coverage, the plan or issuer (as applicable)—

1 “(1) shall pay to such provider the amount
2 which would have been payable to such provider had
3 such provider had in effect such a relationship for
4 furnishing such item or service; and

5 “(2) shall ensure that any applicable cost-shar-
6 ing requirement is the same requirement that would
7 have applied had such item or service been furnished
8 by a provider that had in effect such a relation-
9 ship.”.

10 (d) PUBLICATION.—The Secretary of Health and
11 Human Services shall publish on a public website the fol-
12 lowing:

13 (1) A specification of each hospital receiving
14 forgiveness of payment under section 1815(e)(3) of
15 the Social Security Act (42 U.S.C. 1395g(e)(3)) and
16 each entity receiving forgiveness of payment under
17 the program described in section 421.214 of title 42,
18 Code of Federal Regulations (or a successor regula-
19 tion).

20 (2) The amount of such forgiveness with re-
21 spect to each such hospital and entity.

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