

116TH CONGRESS
2D SESSION

H. R. 8496

To amend title XVIII of the Social Security Act to revise payment amounts for results of COVID–19 PCR diagnostic panels, to require laboratories to furnish the results of such panels within 28 days as a condition of participation under such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Ms. SHERRILL (for herself, Ms. DELBENE, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mr. ENGEL, Ms. NORTON, Mr. SUOZZI, and Mr. DANNY K. DAVIS of Illinois) 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 revise payment amounts for results of COVID–19 PCR diagnostic panels, to require laboratories to furnish the results of such panels within 28 days as a condition of participation under such title, 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. SHORT TITLE.**

2 This Act may be cited as the “Strictly Pay for Effi-
3 cient and Expedited Delivery of Your COVID-19 Tests
4 Act” or the “SPEEDY COVID-19 Tests Act”.

5 **SEC. 2. REVISION TO PAYMENT AMOUNTS FOR RESULTS OF**
6 **COVID-19 PCR DIAGNOSTIC PANELS.**

7 (a) IN GENERAL.—Section 1834A of the Social Secu-
8 rity Act (42 U.S.C. 1395m–1) is amended by adding at
9 the end the following new subsection:

10 “(j) PAYMENT FOR DELAYED RESULTS OF COVID–
11 19 PCR DIAGNOSTIC PANELS.—

12 “(1) IN GENERAL.—In the case of a clinical di-
13 agnostic laboratory test that is the ‘CDC 2019
14 Novel Coronavirus (2019-nCoV) Real-Time Reverse
15 Transcriptase (RT)–PCR Diagnostic Panel’, during
16 the emergency period described in section
17 1135(g)(1)(B) beginning of the date of the enact-
18 ment of this subsection, subject to paragraph (2), if
19 the laboratory furnishes the result of such test to
20 the physician or provider of services from which such
21 test was ordered—

22 “(A) during the period that is not more
23 than 24 hours after such test was so ordered,
24 the amount of payment for such test shall be
25 125 percent of the amount of payment under

1 this section on the date of the enactment of this
2 subsection;

3 “(B) during the period that is more than
4 24 hours and less than 48 hours after such test
5 was so ordered, the amount of payment for
6 such test shall be 100 percent of the amount of
7 payment under this section on the date of the
8 enactment of this subsection;

9 “(C) during the period that is more than
10 48 hours and less than 72 hours after such test
11 was so ordered, payment for such test shall be
12 100 percent of the amount of payment under
13 this section on the first date of such emergency
14 period; and

15 “(D) during the period that is at least 72
16 hours after such test was so ordered, payment
17 may not be made for such test under this sec-
18 tion.

19 “(2) EXCEPTION FOR COVID–19 PCR DIAG-
20 NOSTIC PANELS FURNISHED IN RURAL AND MEDI-
21 CALLY UNDERSERVED AREAS.—In the case of a phy-
22 sician or provider of services that furnishes a test
23 described in paragraph (1) in a rural or medically
24 underserved area, for purposes of determining the
25 applicable period under such paragraph, the number

1 of hours from which the laboratory furnished the re-
 2 sult of the test to the physician or provider of serv-
 3 ices after such test was ordered shall be reduced by
 4 36 hours.”.

5 (b) CONFORMING AMENDMENT.—Section 1834A of
 6 the Social Security Act (42 U.S.C. 1395m–1), as amended
 7 by subsection (a), is further amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)(A), by striking “Sub-
 10 ject to paragraph (3) and subsections (c) and
 11 (d)” and inserting “Subject to paragraph (3)
 12 and subsections (c), (d), and (j)”; and

13 (B) in paragraph (3), by striking “Pay-
 14 ment” and inserting “Subject to subsection (j),
 15 payment”;

16 (2) in subsection (c)(1), by inserting “subject to
 17 subsection (j),” before “payment”; and

18 (3) in subsection (d)—

19 (A) in paragraph (1)(A), by inserting
 20 “subject to subsection (j),” before “the pay-
 21 ment amount”; and

22 (B) in paragraph (3), by striking “Subject
 23 to paragraph (4)” and inserting “Subject to
 24 paragraph (4) and subsection (j)”.

1 **SEC. 3. CONDITION OF PARTICIPATION FOR LABORA-**
2 **TORIES TO FURNISH THE RESULTS OF**
3 **COVID-19 PCR DIAGNOSTIC PANELS WITHIN**
4 **28 DAYS.**

5 Section 1866(a)(1) of the Social Security Act (42
6 U.S.C. 1395cc(a)(1)) is amended—

7 (1) in subparagraph (Y)(ii)—

8 (A) in subclause (IV)(bb), by striking at
9 the end “and”; and

10 (B) in subclause (V), by striking the period
11 at the end and inserting “; and”; and

12 (2) by inserting after subparagraph (Y)(ii)(V)
13 the following new subparagraph:

14 “(Z) in the case of a laboratory that re-
15 ceives an order from a physician or provider of
16 services to furnish the result of a test described
17 in section 1834A(j)(1) during the emergency
18 period described in section 1135(g)(1)(B), to
19 furnish the result to the physician or provider
20 of services from which such test was ordered
21 during the period that is 28 days after such
22 test was so ordered.”.

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