

116TH CONGRESS
2D SESSION

H. R. 8756

To amend title XVIII of the Social Security Act to ensure adequate payment for certain physicians' services furnished under part B of the Medicare program during the COVID–19 public health emergency.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2020

Mr. RIGGLEMAN 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 ensure adequate payment for certain physicians' services furnished under part B of the Medicare program during the COVID–19 public health emergency.

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 “COVID Health Care
5 Provider Assurance Act of 2020”.

1 **SEC. 2. ENSURING ADEQUATE PAYMENT FOR CERTAIN**
2 **PHYSICIANS' SERVICES FURNISHED UNDER**
3 **PART B OF THE MEDICARE PROGRAM DUR-**
4 **ING THE COVID-19 PUBLIC HEALTH EMER-**
5 **GENCY.**

6 (a) ADJUSTMENT OF RELATIVE VALUE UNITS FOR
7 CERTAIN SERVICES.—

8 (1) IN GENERAL.—Section 1848(c)(2) of the
9 Social Security Act (42 U.S.C. 1395w-4(c)(2)) is
10 amended by adding at the end the following sub-
11 paragraph:

12 “(P) ADJUSTMENT OF RELATIVE VALUE
13 UNITS FOR CERTAIN SERVICES FURNISHED
14 DURING THE COVID-19 PUBLIC HEALTH EMER-
15 GENCY.—

16 “(i) IN GENERAL.—In the case of a
17 qualifying service (as defined in clause (ii))
18 furnished during the period beginning on
19 the date of the enactment of this subpara-
20 graph and ending on the last day of the
21 emergency period described in section
22 1135(g)(1)(B), the Secretary shall increase
23 the single combined relative value unit ap-
24 plicable to such service otherwise deter-
25 mined under this paragraph by 20 percent.

1 “(ii) QUALIFYING SERVICE DE-
 2 FINED.—For purposes of clause (i), the
 3 term ‘qualifying service’ means critical care
 4 services, ventilation management services,
 5 emergency intubation services, services re-
 6 lating to the placement of invasive moni-
 7 toring lines and transesophageal echo-
 8 cardiography, bronchoscopy services, chest
 9 tube insertion services, and feeding tube
 10 insertion services, as specified by the Sec-
 11 retary.”.

12 (2) NONAPPLICATION OF BUDGET NEU-
 13 TRALITY.—Section 1848(c)(2)(B)(iv) of the Social
 14 Security Act (42 U.S.C. 1395w-4(c)(2)(B)(iv)) is
 15 amended—

16 (A) in subclause (III), by striking “and” at
 17 the end;

18 (B) in subclause (IV), by striking the pe-
 19 riod and inserting “; and”; and

20 (C) by adding at the end the following new
 21 subclause:

22 “(V) subparagraph (P) shall not
 23 be taken into account in applying
 24 clause (ii)(II).”.

1 (b) ADJUSTMENT OF THE SEPARATE CONVERSION
2 FACTOR FOR ANESTHESIA SERVICES.—

3 (1) IN GENERAL.—Section 1848(d)(1)(D) of
4 the Social Security Act (42 U.S.C. 1395w–
5 4(d)(1)(D)) is amended—

6 (A) by striking “The separate” and insert-
7 ing the following:

8 “(i) IN GENERAL.—Subject to clause
9 (ii), the separate”; and

10 (B) by adding at the end the following new
11 clause:

12 “(ii) SPECIAL RULE DURING THE
13 COVID–19 PUBLIC HEALTH EMERGENCY.—
14 The separate conversion factor for anes-
15 thesia services furnished during the period
16 beginning on the date of the enactment of
17 this clause and ending on the last day of
18 the emergency period described in section
19 1135(g)(1)(B) shall be equal to such factor
20 otherwise applicable under clause (i), in-
21 creased by 20 percent.”.

22 (2) NONAPPLICATION OF BUDGET NEU-
23 TRALITY.—Section 1848(c)(2)(B)(iv) of the Social
24 Security Act (42 U.S.C. 1395w–4(c)(2)(B)(iv)), as
25 amended by subsection (a)(2), is further amended—

1 (A) in subclause (IV), by striking “and” at
2 the end;

3 (B) in subclause (V), by striking the period
4 and inserting “; and”; and

5 (C) by adding at the end the following new
6 subclause:

7 “(VI) subsection (d)(1)(D)(ii)
8 shall not be taken into account in ap-
9 plying clause (ii)(II).”.

10 (c) ENSURING PAYMENT FOR CERTAIN CRITICAL
11 CARE SERVICES.—

12 (1) COVERAGE.—Section 1861(s)(2) of the So-
13 cial Security Act (42 U.S.C. 1395x(s)(2)) is amend-
14 ed—

15 (A) in subparagraph (GG), by striking
16 “and” after the semicolon at the end;

17 (B) in subparagraph (HH), by striking the
18 period at the end and adding “; and”; and

19 (C) by adding at the end the following new
20 subparagraph:

21 “(II) specified critical care services (as defined
22 in subsection (kkk)) furnished during the period be-
23 ginning on the date of the enactment of this sub-
24 paragraph and ending on the last day of the emer-
25 gency period described in section 1135(g)(1)(B) to

1 an inpatient of a hospital or a critical access hos-
2 pital;”.

3 (2) SPECIFIED CRITICAL CARE SERVICES DE-
4 FINED.—Section 1861 of the Social Security Act (42
5 U.S.C. 1395x) is amended by adding at the end the
6 following new subsection:

7 “(kkk) SPECIFIED CRITICAL CARE SERVICES.—

8 “(1) IN GENERAL.—The term ‘specified critical
9 care services’ means—

10 “(A) physicians’ services not separately
11 payable under part B as of the day before the
12 date of the enactment of this subsection which
13 the Secretary determines are necessary for the
14 treatment of individuals with COVID–19; and

15 “(B) physicians’ services furnished by a
16 physician or practitioner (as defined in section
17 1842(b)(18)(C)), in conjunction with a physi-
18 cian or practitioner that is otherwise billing for
19 such services under such part, to an individual
20 for the treatment of COVID–19 that the Sec-
21 retary determines need to be furnished by more
22 than 1 physician or practitioner.

23 “(2) LIMITATION ON MULTIPLE BILLINGS.—

24 The Secretary may establish such limits as the Sec-
25 retary determines appropriate with respect to the

1 number of physicians and practitioners who may bill
2 for a service described in paragraph (1)(B).”.

3 (3) PAYMENT; COST SHARING.—

4 (A) IN GENERAL.—Section 1833(a)(1) of
5 the Social Security Act (42 U.S.C. 1395l(a)(1))
6 is amended—

7 (i) by striking “and” before “(DD)”;

8 and

9 (ii) by inserting before the semicolon
10 at the end the following: “, and (EE) with
11 respect to specified critical care services
12 (as defined in section 1861(kkk)), the
13 amount paid shall be an amount equal to
14 100 percent of the lesser of the amount
15 charged for the services and the payment
16 amount for such services determined under
17 the payment basis under section 1848”.

18 (B) NONAPPLICATION OF DEDUCTIBLE.—

19 Section 1833(b) of the Social Security Act (42
20 U.S.C. 1395l(b)) is amended—

21 (i) by striking “and (12)” and insert-
22 ing “(12)”;

23 (ii) by striking “1861(s)(10)(A).” and
24 inserting “1861(s)(10)(A), and (13) such
25 deductible shall not apply with respect to

1 specified critical care services (as defined
2 in section 1861(kkk)).”.

3 (C) INCLUSION AS PHYSICIANS’ SERV-
4 ICES.—Section 1848(j)(3) of the Social Security
5 Act (42 U.S.C. 1395w–4(j)(3)) is amended by
6 inserting “(2)(II),” before “(3)”.

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