

116TH CONGRESS
2D SESSION

H. R. 8780

To amend title XVIII of the Social Security Act to provide for additional requirements with respect to electrodiagnostic services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2020

Mr. WALDEN (for himself and Ms. BLUNT ROCHESTER) 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 additional requirements with respect to electrodiagnostic services under 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,*

3 **SECTION 1. ADDITIONAL REQUIREMENTS FOR ELECTRODI-**
4 **AGNOSTIC SERVICES.**

5 Section 1834 of the Social Security Act (42 U.S.C.
6 1395m) is amended by adding at the end the following
7 new subsection:

1 “(x) PAYMENT FOR ELECTRODIAGNOSTIC SERV-
2 ICES.—

3 “(1) IN GENERAL.—No payment may be made
4 under this part for electrodiagnostic services de-
5 scribed in paragraph (2) furnished on or after a date
6 determined appropriate by the Secretary that is not
7 less than 3 years after the date of the enactment of
8 this subsection and not later than 4 years after such
9 date of enactment that are not furnished at a quali-
10 fied facility.

11 “(2) ELECTRODIAGNOSTIC SERVICES.—The
12 services described in this paragraph are the fol-
13 lowing:

14 “(A) Nerve conduction studies.

15 “(B) Needle electromyography tests.

16 “(3) QUALIFIED FACILITY.—In this subsection,
17 the term ‘qualified facility’ means a facility accred-
18 ited by an organization specified by the Secretary
19 pursuant to paragraph (4).

20 “(4) ACCREDITATION ORGANIZATIONS.—

21 “(A) IN GENERAL.—Not later than 2 years
22 after the date of the enactment of this sub-
23 section, the Secretary shall specify one or more
24 accrediting organizations, in consultation with
25 the advisory committee described in paragraph

(5), for purposes determining whether a facility is a qualified facility. The Secretary may specify an organization pursuant to the preceding sentence only if such organization requires, as a condition of accreditation of a facility by such organization, that such facility meet the requirements described in subparagraph (B).

“(B) FACILITY REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a facility and electrodiagnostic services furnished at such facility, the following:

“(i) The facility establishes and maintains a quality assurance and control program to ensure the reliability, safety, and accuracy of such service.

“(ii) The facility ensures that such service is conducted using a device capable of performing both nerve conduction studies that record amplitude and latency and needle electromyography tests capable of real-time waveform display and analysis.

“(iii) In the case that such service is a needle electromyography test, the facility ensures that the physician furnishing such test has completed not less than three

1 months of training in furnishing
2 electrodiagnostic services through a resi-
3 dency or fellowship program accredited by
4 the Accreditation Council for Graduate
5 Medical Education or the Royal College of
6 Physicians and Surgeons of Canada.

7 “(iv) The facility ensures that the re-
8 sults are interpreted on-site and at the
9 time of the procedure—

10 “(I) in the case of a needle
11 electromyography test, by the physi-
12 cian who performed such test; and

13 “(II) in the case of a nerve con-
14 duction study, by the physician who
15 performed or supervised such study.

16 “(v) Any other requirement deter-
17 mined appropriate by the Secretary.

18 “(C) REGULATIONS.—Not later than 1
19 year after the date of the enactment of this
20 subsection, the Secretary shall finalize regula-
21 tions that outline—

22 “(i) the process by which an accred-
23 iting organization may be specified under
24 subparagraph (A);

1 “(ii) the duration and the minimum
2 time period between reviews for reaccredi-
3 tation an organization so specified must
4 provide for with respect to an accreditation
5 of a facility made by such organization;

6 “(iii) the process by which the Sec-
7 retary may withdraw approval of an ac-
8 crediting organization so specified if the
9 Secretary determines that such organiza-
10 tion no longer requires, as a condition of
11 accreditation of a facility by such organiza-
12 tion, that such facility meet the require-
13 ments described in subparagraph (B); and

14 “(iv) the effect such a withdrawal will
15 have on facilities accredited by such orga-
16 nization as of the date of such withdrawal.

17 “(5) ADVISORY COMMITTEE.—

18 “(A) IN GENERAL.—Not later than 2 years
19 after the date of the enactment of this sub-
20 section, the Secretary shall establish an advi-
21 sory committee to be known as the ‘National
22 Electrodiagnostic Services Advisory Committee’
23 (in this subsection referred to as the ‘com-
24 mittee’) for purposes of carrying out the duties
25 specified in subparagraph (B).

1 “(B) DUTIES.—The duties of the com-
2 mittee are the following:

3 “(i) To provide to the Secretary rec-
4 ommendations with respect to require-
5 ments that may be determined appropriate
6 by the Secretary pursuant to paragraph
7 (4)(B)(v), including any proposed additions
8 to such requirements or modifications of
9 such requirements. In developing such rec-
10 ommendations, the committee shall
11 prioritize—

12 “(I) reducing unnecessary treat-
13 ments and surgeries;

14 “(II) decreasing the need for re-
15 testing of individuals;

16 “(III) enhancing the reliability of
17 diagnoses and promoting positive
18 health outcomes for individuals;

19 “(IV) addressing emerging waste,
20 fraud, and abuse schemes; and

21 “(V) otherwise improving the
22 quality of care for individuals.

23 “(ii) To provide to the Secretary rec-
24 ommendations regarding the regulations
25 described in paragraph (4)(C).

1 “(iii) To provide to the Secretary rec-
2 ommendations with respect to whether ac-
3 crediting organizations seeking to be speci-
4 fied pursuant to paragraph (4)(A) should
5 be so specified.

6 “(C) COMPOSITION.—The committee shall
7 be composed of not fewer than 9 and not more
8 than 11 individuals selected by the Secretary.
9 Such individuals shall not be officers or employ-
10 ees of the Federal Government and shall in-
11 clude—

12 “(i) physicians;

13 “(ii) other health care practitioners;

14 and

15 “(iii) other individuals determined ap-
16 propriate by the Secretary.

17 “(D) MEETINGS.—The committee shall
18 convene not less than twice each year.”.

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