

116TH CONGRESS
2D SESSION

S. 5007

To amend title XVIII of the Social Security Act to provide for an increase in payment under part B of the Medicare program for certain services in response to COVID-19.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

Mr. BOOZMAN (for himself, Mrs. HYDE-SMITH, Mr. CRAMER, Mr. COTTON, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for an increase in payment under part B of the Medicare program for certain services in response to COVID-19.

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 “Holding Providers
5 Harmless From Medicare Cuts During COVID-19 Act of
6 2020”.

1 **SEC. 2. PROVIDING FOR AN INCREASE IN PAYMENT UNDER**
2 **PART B OF THE MEDICARE PROGRAM FOR**
3 **CERTAIN SERVICES TO HOLD PROVIDERS**
4 **HARMLESS WHILE RESPONDING TO COVID-**
5 **19.**

6 (a) IN GENERAL.—Section 1833 of the Social Secu-
7 rity Act (42 U.S.C. 1395l) is amended by adding at the
8 end the following new subsection:

9 “(dd) COVID–19 RELIEF PAYMENTS FOR CERTAIN
10 SERVICES.—

11 “(1) IN GENERAL.—In the case of an eligible
12 service (as defined in paragraph (2)(A)) furnished
13 during a specified year (as defined in paragraph
14 (2)(C)) by a supplier for which payment is made
15 under (or based on) the fee schedule established
16 under section 1848, in addition to the amount of
17 payment that would otherwise be made for such
18 service under this part, there also shall be paid at
19 the time such payment under section 1848 is made
20 an amount equal to the specified hold harmless relief
21 payment (as defined in paragraph (2)(B)) for such
22 service.

23 “(2) DEFINITIONS.—In this subsection:

24 “(A) ELIGIBLE SERVICE.—

25 “(i) IN GENERAL.—The term ‘eligible
26 service’ means, with respect to a service

1 furnished in a specified year by a supplier
2 for which payment is made under (or
3 based on) the fee schedule established
4 under section 1848, any service (other
5 than a service described in clause (ii)) for
6 which the payment amount determined
7 under (or based on) such fee schedule for
8 such year and supplier is less than such
9 payment amount that would have been de-
10 termined under (or based on) such fee
11 schedule for such service and supplier had
12 such service been furnished in 2020.

13 “(ii) EXCLUDED SERVICES.—For pur-
14 poses of clause (i), the services described in
15 this clause are any of the following:

16 “(I) Services identified by any of
17 HCPCS codes 99202 through 99205
18 or by HCPCS code 99211 (or any
19 successor codes), but only if such
20 service is billed in conjunction with
21 HCPCS code G2211 (or a successor
22 code).

23 “(II) Services identified by any of
24 HCPCS codes 99212 through 99215
25 (or any successor codes).

1 “(III) Services identified by
2 HCPCS code G2211 (or any successor
3 code).

4 “(B) SPECIFIED HOLD HARMLESS RELIEF
5 PAYMENT.—The term ‘specified hold harmless
6 relief payment’ means, with respect to an eligi-
7 ble service furnished in a specified year by a
8 supplier, the difference between the payment
9 amount determined under (or based on) the fee
10 schedule established under section 1848 for
11 such year and supplier and such amount that
12 would have been determined under (or based
13 on) such schedule for such service and supplier
14 had such service been furnished in 2020.

15 “(C) SPECIFIED YEAR.—The term ‘speci-
16 fied year’ means 2021 and 2022.

17 “(3) COORDINATION.—The amount of the addi-
18 tional payment for a service under this subsection
19 and subsection (m) shall be determined without re-
20 gard to any additional payment for the service under
21 subsection (m) and this subsection, respectively. The
22 amount of the additional payment for a service
23 under this subsection and subsection (z) shall be de-
24 termined without regard to any additional payment

1 for the service under subsection (z) and this sub-
2 section, respectively.

3 “(4) CLARIFICATION.—For purposes of this
4 subsection, a service for which payment is made
5 under (or based on) the fee schedule established
6 under section 1848 includes a service payable under
7 section 1834(k).

8 “(5) LIMITATION ON JUDICIAL REVIEW.—There
9 shall be no administrative or judicial review under
10 section 1869, 1878, or otherwise, respecting the
11 identification of eligible services under this sub-
12 section.”.

13 (b) CONFORMING AMENDMENT.—Section
14 1834(g)(2)(B) of the Social Security Act (42 U.S.C.
15 1395m(g)(2)(B)) is amended by striking “(x) and (y)”
16 and inserting “(x), (y), and (dd)”.

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