

117TH CONGRESS
2D SESSION

S. 4009

To amend title XVIII of the Social Security Act to rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2022

Mr. CASEY (for himself and Mr. GRASSLEY) 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 rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rural Hospital Sup-
5 port Act”.

1 **SEC. 2. REBASING OF THE CALCULATION OF PAYMENTS**
 2 **FOR SOLE COMMUNITY HOSPITALS.**

3 (a) REBASING PERMITTED.—Section 1886(b)(3) of
 4 the Social Security Act (42 U.S.C. 1395ww(b)(3)) is
 5 amended by adding at the end the following new subpara-
 6 graph:

7 “(M)(i) For cost reporting periods begin-
 8 ning on or after October 1, 2022, in the case
 9 of a sole community hospital there shall be sub-
 10 stituted for the amount otherwise determined
 11 under subsection (d)(5)(D)(i) of this section, if
 12 such substitution results in a greater amount of
 13 payment under this section for the hospital, the
 14 subparagraph (M) rebased target amount.

15 “(ii) For purposes of this subparagraph,
 16 the term ‘subparagraph (M) rebased target
 17 amount’ has the meaning given the term ‘target
 18 amount’ in subparagraph (C), except that—

19 “(I) there shall be substituted for the
 20 base cost reporting period the 12-month
 21 cost reporting period beginning during fis-
 22 cal year 2016;

23 “(II) any reference in subparagraph
 24 (C)(i) to the ‘first cost reporting period’
 25 described in such subparagraph is deemed
 26 a reference to the first cost reporting pe-

1 riod beginning on or after October 1,
2 2022; and

3 “(III) the applicable percentage in-
4 crease shall only be applied under subpara-
5 graph (C)(iv) for discharges occurring on
6 or after October 1, 2022.”.

7 (b) CONFORMING AMENDMENTS.—Section
8 1886(b)(3) of the Social Security Act (42 U.S.C.
9 1395ww(b)(3)) is amended—

10 (1) in subparagraph (C), in the matter pre-
11 ceding clause (i), by striking “subparagraphs (I) and
12 (L)” and inserting “subparagraphs (I), (L), and
13 (M)”;

14 (2) in subparagraph (I)(i), in the matter pre-
15 ceding subclause (I), by striking “subparagraph
16 (L)” and inserting “subparagraphs (L) and (M)”.

17 **SEC. 3. REBASING OF THE CALCULATION OF PAYMENTS**
18 **FOR MEDICARE-DEPENDENT HOSPITALS.**

19 Section 1886(b)(3) of the Social Security Act (42
20 U.S.C. 1395ww(b)(3)), as amended by section 2, is
21 amended—

22 (1) in subparagraph (D), by striking “subpara-
23 graph (K)” and inserting “subparagraphs (K) and
24 (N)”;

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(N)(i) With respect to discharges occur-
4 ring on or after October 1, 2022, in the case of
5 a medicare-dependent, small rural hospital, for
6 purposes of applying subparagraph (D)—

7 “(I) there shall be substituted for the
8 base cost reporting period described in
9 subparagraph (D)(i) the 12-month cost re-
10 porting period beginning during fiscal year
11 2016; and

12 “(II) any reference in such subpara-
13 graph to the ‘first cost reporting period’
14 described in such subparagraph is deemed
15 a reference to the first cost reporting pe-
16 riod beginning on or after October 1,
17 2022.

18 “(ii) This subparagraph shall only apply to
19 a hospital if the substitution described in clause
20 (i)(I) results in an increase in the target
21 amount under subparagraph (D) for the hos-
22 pital.”.

1 **SEC. 4. PROHIBITION OF ADJUSTMENTS TO CLASSIFICA-**
 2 **TIONS AND WEIGHTING FACTORS RELATING**
 3 **TO THE CALCULATION OF PAYMENTS FOR**
 4 **SOLE COMMUNITY HOSPITALS AND MEDI-**
 5 **CARE-DEPENDENT HOSPITALS.**

6 Section 1886(d)(4)(C) of the Social Security Act (42
 7 U.S.C. 1395ww(d)(4)(C))—

8 (1) in clause (i), by striking “The Secretary”
 9 and inserting “Subject to clause (v), the Secretary”;
 10 and

11 (2) by adding at the end the following new
 12 clause:

13 “(v) For discharges using the rebased target amounts
 14 described in subparagraph (M) or (N) of subsection
 15 (b)(3), the Secretary may not adjust such amounts for ad-
 16 justments required by clause (iii) prior to October 1,
 17 2015.”.

18 **SEC. 5. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**
 19 **PITAL (MDH) PROGRAM.**

20 (a) EXTENSION OF PAYMENT METHODOLOGY.—Sec-
 21 tion 1886(d)(5)(G) of the Social Security Act (42 U.S.C.
 22 1395ww(d)(5)(G)) is amended—

23 (1) in clause (i), by striking “, and before Octo-
 24 ber 1, 2022”; and

25 (2) in clause (ii)(II), by striking “, and before
 26 October 1, 2022”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) EXTENSION OF TARGET AMOUNT.—Section
3 1886(b)(3)(D) of the Social Security Act (42 U.S.C.
4 1395ww(b)(3)(D)) is amended—

5 (A) in the matter preceding clause (i), by
6 striking “, and before October 1, 2022”; and

7 (B) in clause (iv), by striking “through fis-
8 cal year 2022” and inserting “or a subsequent
9 fiscal year”.

10 (2) PERMITTING HOSPITALS TO DECLINE RE-
11 CLASSIFICATION.—Section 13501(e)(2) of the Omni-
12 bus Budget Reconciliation Act of 1993 (42 U.S.C.
13 1395ww note) is amended by striking “fiscal year
14 2000 through fiscal year 2022” and inserting “a
15 subsequent fiscal year”.

16 **SEC. 6. EXTENSION OF THE INCREASED PAYMENTS UNDER**
17 **THE MEDICARE LOW-VOLUME HOSPITAL**
18 **PROGRAM.**

19 Section 1886(d)(12) of the Social Security Act (42
20 U.S.C. 1395(d)(12)) is amended—

21 (1) in subparagraph (B)—

22 (A) in the subparagraph heading, by in-
23 serting “FOR FISCAL YEARS 2005 THROUGH
24 2010” after “INCREASE”; and

1 (B) in the matter preceding clause (i), by
 2 striking “and for discharges occurring in fiscal
 3 year 2023 and subsequent fiscal years”;

4 (2) in subparagraph (C)(i)—

5 (A) in the matter preceding subclause (I),
 6 by striking “fiscal years 2011 through 2022”
 7 and inserting “fiscal year 2011 and subsequent
 8 fiscal years”;

9 (B) in subclause (II), by adding “and” at
 10 the end;

11 (C) in subclause (III)—

12 (i) by striking “each of fiscal years
 13 2019 through 2022” and inserting “fiscal
 14 year 2019 and each subsequent fiscal
 15 year”; and

16 (ii) by striking “; and” at the end and
 17 inserting a period; and

18 (D) by striking subclause (IV); and

19 (3) in subparagraph (D)—

20 (A) by amending the subparagraph head-
 21 ing to read as follows: “APPLICABLE PER-
 22 CENTAGE INCREASE BEGINNING WITH FISCAL
 23 YEAR 2011.—”;

24 (B) in the matter preceding clause (i), by
 25 striking “fiscal years 2011 through 2022” and

1 inserting “fiscal year 2011 and subsequent fis-
2 cal years”; and

3 (C) in clause (ii), by striking “each of fis-
4 cal years 2019 through 2022” and inserting
5 “fiscal year 2019 and each subsequent fiscal
6 year”.

○