110TH CONGRESS
1ST SESSION

H. R. 1846

To amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. TOWNS 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

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A BILL

To amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Access to Physical Medicine and Rehabilitation Services Improvement Act of 2007''.

SEC. 2. ACCESS TO PHYSICAL MEDICINE AND REHABILITATION SERVICES PROVIDED INCIDENT TO A PHYSICIAN .

Section 1862(a)(20) of the Social Security Act (42 U.S.C. 1395y(a)(20)) is amended by striking ''(other than any licensing requirement specified by the Secretary)'' and inserting ''(other than any licensing, education, or credentialing requirements specified by the Secretary)''.

SEC. 3. COVERAGE OF CERTIFIED ATHLETIC TRAINER SERVICES AND CERTIFIED LYMPHEDEMA THERAPIST SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) in subparagraph (Z), by striking ''and'' at the end;

(B) in subparagraph (AA), by adding ''and'' at the end; and

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

''(BB) certified athletic trainer services (as defined in subsection (ccc)(1)) and lymphedema therapist services (as defined in subsection (ccc)(3));''; and

(2) by adding at the end the following new subsection:

"Certified Athletic Trainer Services and Lymphedema Therapist Services

"(ccc)(1) The term 'certified athletic trainer services' means services performed by a certified athletic trainer (as defined in paragraph (2)) under the supervision of a physician (as defined in subsection (r)), which the athletic trainer is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician (as so defined) or as an incident to a physician's professional service, to an individual—

"(A) who is under the care of a physician (as so defined); and

"(B) with respect to whom a plan prescribing the type, amount, and duration of services that are to be furnished to such individual has been established by a physician (as so defined).

Such term does not include any services for which a facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'certified athletic trainer' means an individual who—

"(A) in the case of an individual performing services in a State that provides for licensure or certification of athletic trainers, is licensed or certified as an athletic trainer in such State; or

"(B) in the case of an individual performing services in a State that does not provide for licensure or certification of athletic trainers, possesses a bachelors, master's or doctoral degree which qualifies for certification as an athletic trainer, and, has successfully passed a national certification examination for Athletic Trainers recognized by the Secretary.

"(3) The term 'certified lymphedema therapist services' means services performed by a certified lymphedema therapist (as defined in paragraph (4)) under the supervision of a physician (as defined by paragraph (1) or (3) of subsection (r)) which the lymphedema therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician (as so defined) or as incident to a physicians professional service, to an individual—

"(A) who is under the care of a physician (as so defined); and

"(B) with respect to whom a plan prescribing the type, amount, and duration of services that are to be furnished to such individual has been established by a physician (as so defined).

Such term does not include any services for which a facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'certified lymphedema therapist' means an individual who—

"(A) possesses a current unrestricted license as a health professional in the State in which the individual practices;

"(B) after obtaining such a license, has successfully completed 135 hours of Complete Decongestive Therapy coursework which consists of theoretical instruction and practical laboratory work utilizing teaching methods directly aimed at the treatment of lymphatic and vascular disease from a lymphedema training program recognized by the Secretary for purposes of certifying lymphedema therapists; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of lymphedema therapists, is licensed or certified as a lymphedema therapist in such State.".

(b) PAYMENT.—

(1) IN GENERAL.—Section 1832(a)(2)(B) of such Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) certified athletic trainer services and lymphedema therapist services;".

(2) AMOUNT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and (V)" and inserting "(V)"; and

(B) by inserting before the semicolon at the end the following: ", and (W) with respect to certified athletic trainer services and certified lymphedema therapist services under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge for the service or the fee schedule amount under section 1848 for the same service performed by a physician".

(3) PAYMENT TO EMPLOYER.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking "and" before "(H)"; and

(B) by inserting before "; but nothing" the following: ", and (H) in the case of certified athletic trainer services and lymphedema thera-

pist services, payment shall be made to the physician, clinic, or hospital that employs the athletic trainer or lymphedema therapist involved''.

(c) INCLUSION OF SERVICES IN THE THERAPY CAP.—Section 1833(g)(1) of such Act (42 U.S.C. 1395l(g)(1)) is amended—

(1) by striking ''and'' before ''physical therapy''; and

(2) by inserting after ''or as incident to physicians' services,'' the following: ''and certified athletic trainer services and certified lymphedema therapist services''.

(d) INCLUSION OF ATHLETIC TRAINERS AND LYMPHEDEMA THERAPISTS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of such Act (42 U.S.C.1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

''(vii) A certified athletic trainer (as defined in section 1861(ccc)(1)).

''(viii) A certified lymphedema therapist (as defined in section 1861(ccc)(2)).''.

(e) COVERAGE OF CERTAIN PHYSICAL MEDICINE AND REHABILITATION SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH

CENTERS.—Section 1861(aa)(1)(B) of such Act (42 U.S.C. 1395x(aa)(1)(B)) is amended—

(1) by striking ''or'' before ''by a clinical social worker''; and

(2) by inserting after ''subsection (hh)(1)),'' the following: ''by a certified athletic trainer (as defined in subsection (ccc)(2)), or by a certified lymphedema therapist (as defined in subsection (ccc)(4))''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2008.

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