118TH CONGRESS  
1ST Session

S. ______

To amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. SINEMA (for herself, Mrs. BLACKBURN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID–19, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sustainable Cardiopulmonary Rehabilitation Services in the Home Act”.
SEC. 2. CODIFYING VIRTUAL CARDIOPULMONARY REHABILITATION FLEXIBILITIES ESTABLISHED IN RESPONSE TO COVID–19.

(a) IN GENERAL.—Section 1861(eee)(2) of the Social Security Act (42 U.S.C. 1395x(eee)(2)) is amended—

(1) in subparagraph (A)(ii), by inserting “, including in the home of an individual when furnished as a telehealth service through audio-visual real-time communications technology, or when such home is designated as a provider-based location of a hospital outpatient department” after “outpatient basis”; and

(2) in subparagraph (B), by inserting “, including through the virtual presence of such physician, physician assistant, nurse practitioner, or clinical nurse specialist, through audio-visual real-time communications technology” after “under the program”.

(b) EXPANDING ORIGINATING SITES.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (1), by striking “and (9)” and all that follows through “(as defined in paragraph (4)(E))” and inserting “, (9), and (10), the Secretary shall pay for telehealth services that are furnished via a telecommunications system by a physician (as defined in section 1861(r)) or a practitioner
(as defined in paragraph (4)(E)), or by a hospital
(as defined in section 1861(e))’’;

(2) in paragraph (2)(A), by striking ‘‘or practi-
tioner’’ each place that it appears and inserting ‘‘,
practitioner, or hospital’’;

(3) in paragraph (4)(A), by striking ‘‘or practi-
tioner’’ and inserting ‘‘, practitioner, or hospital’’;

(4) in paragraph (4)(C)—

(A) in clause (i), by striking ‘‘and (7)’’ and
inserting ‘‘(7), and (10)’’; and

(B) in clause (ii)(X), by striking ‘‘para-
graph (7)’’ and inserting ‘‘paragraphs (7) and
(10)’’;

(5) in paragraph (4)(F)(i), by striking ‘‘para-
graph (8)’’ and inserting ‘‘paragraphs (8) and (10)’’;
and

(6) by adding at the end the following new
paragraph:

‘‘(10) TREATMENT OF CARDIAC REHABILITA-
tION PROGRAM, INTENSIVE CARDIAC REHABILITA-
tION PROGRAM, AND PULMONARY REHABILITATION
PROGRAM VISITS FURNISHED THROUGH TELE-
HEALTH.—In the case of items and services fur-
nished on or after January 1, 2024, the geographic
requirements described in paragraph (4)(C)(i) shall
not apply with respect to telehealth services for cardiac rehabilitation programs and intensive cardiac rehabilitation programs (as such terms are defined in section 1861(eee)) and pulmonary rehabilitation programs (as defined in section 1861(fff)) at an originating site described in subclauses (V) and (X) of paragraph (4)(C)(ii).”.

(c) Authority to Establish Standards and Allow for Certain Programs to Utilize Telehealth Services.—

(1) In general.—Not later than 30 days after the date of enactment of this section, the Secretary of Health and Human Services shall—

(A) establish standards for the designation of the home of an individual with status as a provider-based organization of a hospital consistent with waivers issued through the Hospital Without Walls program for cardiac rehabilitation, pulmonary rehabilitation, and intensive cardiac rehabilitation; and

(B) include items and services furnished under cardiac rehabilitation program or under an intensive cardiac rehabilitation program (as such terms are defined in section 1861(eee) of the Social Security Act (42 U.S.C. 1395x(eee)),...
or under a pulmonary rehabilitation program (as defined in section 1861(fff) of such Act (42 U.S.C. 1395x(fff)) among telehealth services to be specified under section 1834(m)(4)(F) of such Act (42 U.S.C. 1395m(m)(4)(F)).

(2) Effective Date.—The standards established under paragraph (1) shall apply to items and services furnished on or after January 1, 2024.

(d) Implementation.—Notwithstanding any other provision of the law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

(e) Effective Date.—The amendments made by subsections (a) and (b) shall apply to items and services furnished on or after January 1, 2024.