

112TH CONGRESS  
1ST SESSION

# H. R. 3212

To amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2011

Mr. THORNBERRY (for himself, Mr. DONNELLY of Indiana, and Mr. ROSS of Arkansas) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals 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. SHORT TITLE.**

4 This Act may be cited as the “CAH Designation  
5 Waiver Authority Act of 2011”.

1 **SEC. 2. RESTORING STATE AUTHORITY TO WAIVE THE 35-**  
2 **MILE RULE FOR MEDICARE CRITICAL AC-**  
3 **CESS HOSPITAL DESIGNATIONS.**

4 Section 1820(c)(2) of the Social Security Act (42  
5 U.S.C. 1395i-4(c)(2)) is amended—

6 (1) in subparagraph (B)(i)(II), by inserting “or,  
7 subject to subparagraph (F), on or after the date of  
8 enactment of the CAH Designation Waiver Author-  
9 ity Act of 2011” after “January 1, 2006,”; and

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

12 “(F) LIMITATIONS FOR CERTAIN NEW  
13 DESIGNATIONS.—A State may not use the au-  
14 thority under subparagraph (B)(i)(II) to des-  
15 ignate a facility as a critical access hospital on  
16 or after the date of enactment of the CAH Des-  
17 ignation Waiver Authority Act of 2011 unless  
18 each of the following requirements is met:

19 “(i) As of the date of the enactment  
20 of the CAH Designation Waiver Authority  
21 Act of 2011, the facility was assigned a  
22 Medicare provider number as an acute in-  
23 patient hospital.

24 “(ii) The Secretary determines that  
25 such designation would not result in the  
26 total number of facilities that have been

1 designated as critical access hospitals in all  
2 States on or after the date of enactment of  
3 the CAH Designation Waiver Authority  
4 Act of 2011 using the authority under sub-  
5 paragraph (B)(i)(II) being greater than a  
6 number equal to 10 percent of the total  
7 number of acute inpatient hospitals that  
8 were designated as critical access hospitals  
9 in all States as of March 31, 2011.”.

○