

117TH CONGRESS
1ST SESSION

S. 149

To amend title XI of the Social Security Act to provide Secretarial authority to temporarily waive or modify application of certain Medicare requirements with respect to ambulance services furnished during certain emergency periods.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2021

Ms. CORTEZ MASTO (for herself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to provide Secretarial authority to temporarily waive or modify application of certain Medicare requirements with respect to ambulance services furnished during certain emergency periods.

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

1 **SECTION 1. SECRETARIAL AUTHORITY TO TEMPORARILY**
 2 **WAIVE OR MODIFY APPLICATION OF CER-**
 3 **TAIN MEDICARE REQUIREMENTS WITH RE-**
 4 **SPECT TO AMBULANCE SERVICES FUR-**
 5 **NISHED DURING CERTAIN EMERGENCY PERI-**
 6 **ODS.**

7 (a) WAIVER AUTHORITY.—Section 1135(b) of the
 8 Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

9 (1) in the first sentence—

10 (A) in paragraph (7), by striking “and” at
 11 the end;

12 (B) in paragraph (8), by striking the pe-
 13 riod at the end and inserting “; and”; and

14 (C) by inserting after paragraph (8) the
 15 following new paragraph:

16 “(9) any requirement under section 1861(s)(7)
 17 or section 1834(l) that an ambulance service include
 18 the transport of an individual to the extent nec-
 19 essary to allow payment for ground ambulance serv-
 20 ices furnished in response to a 911 call (or the
 21 equivalent in areas without a 911 call system) in
 22 cases in which an individual would have been trans-
 23 ported to a destination permitted under Medicare
 24 regulations (as described in section 410.40 to title
 25 42, Code of Federal Regulations (or successor regu-
 26 lations)) but such transport did not occur as a result

1 of community-wide emergency medical service
 2 (EMS) protocols due to the public health emergency
 3 described in subsection (g)(1)(B).”; and
 4 (2) in the flush matter at the end, by adding
 5 at the end the following: “Ground ambulance serv-
 6 ices for which payment is made pursuant to para-
 7 graph (9) shall be paid at the base rate that would
 8 have been paid under the fee schedule established
 9 under 1834(l) (excluding any mileage payment) if
 10 the individual had been so transported and, with re-
 11 spect to ambulance services furnished by a critical
 12 access hospital or an entity described in paragraph
 13 (8) of such section, at the amount that otherwise
 14 would be paid under such paragraph.”.

15 (b) EMERGENCY PERIOD EXCEPTION.—Section
 16 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
 17 1320b–5(g)(1)(B)) is amended, in the matter preceding
 18 clause (i), by striking “subsection (b)(8)” and inserting
 19 “paragraphs (8) and (9) of subsection (b)”.

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