

117TH CONGRESS
1ST SESSION

S. 1731

To provide certain coverage of audiologist services under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Ms. WARREN (for herself, Mr. PAUL, Mr. GRASSLEY, Mrs. SHAHEEN, Ms. SINEMA, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide certain coverage of audiologist services under the Medicare program, 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 “Medicare Audiologist
5 Access and Services Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Individuals with mild hearing loss are 3
9 times more likely to experience a fall, and falls are

1 the leading cause of fatal injury for Americans over
2 65.

3 (2) Seniors with hearing loss are more likely to
4 develop cognitive problems and experience cognitive
5 decline up to 40 percent faster than those without
6 hearing loss.

7 (3) Untreated hearing loss can lead to depres-
8 sion, anxiety, and social isolation.

9 (4) Timely access to diagnosis and treatment
10 for hearing and vestibular conditions can improve
11 outcomes for beneficiaries and reduce overall cost of
12 care.

13 (5) Licensed audiologists in all 50 States and
14 the District of Columbia are health care profes-
15 sionals trained in the diagnosis, treatment, and re-
16 habilitation of individuals with hearing, balance, and
17 related disorders.

18 (6) The Medicare program covers a range of
19 hearing health services, including diagnostic and
20 therapeutic services. However, Medicare will only re-
21 imburse audiologists for a narrow set of diagnostic
22 services—even when Medicare-covered treatment
23 services are in the scope of practice of audiologists.
24 Medicare also requires patients to receive a physi-
25 cian order before even receiving diagnostic services

1 from audiologists in order for those services to be
2 covered by Medicare.

3 (7) The Department of Defense Medical Health
4 System, the Veterans Health Administration, the Of-
5 fice of Personnel Management (through many of its
6 Federal Employees Health Benefits plans), and
7 many Medicaid and private health plans provide pa-
8 tients “direct access” to audiologists and do not con-
9 dition reimbursement on referral by a physician.

10 (8) The National Academy of Sciences, Engi-
11 neering, and Medicine issued a report, entitled,
12 “Hearing Health Care for Adults: Priorities for Im-
13 proving Access and Affordability”, which rec-
14 ommended that the Centers for Medicare & Medicaid
15 Services “examine pathways for enhancing access to
16 assessment for and delivery of auditory rehabilita-
17 tion services” through Medicare, “including reim-
18 bursement to audiologists for these services”.

19 (9) Administrative requirements for referral,
20 plan of care, consultation with the attending physi-
21 cian or other health care practitioner, and oversight
22 unnecessarily delay care and may increase costs.

23 (10) Medicare beneficiaries should have access
24 to the same level of audiologic care as is available
25 in the Veterans Administration, under the Federal

1 Employees Health Benefits Program, and under pri-
 2 vate insurance.

3 **SEC. 3. MEDICARE COVERAGE OF AUDIOLOGIST SERVICES.**

4 (a) IN GENERAL.—Section 1861(s) of the Social Se-
 5 curity Act (42 U.S.C. 1395x(s)) is amended—

6 (1) in paragraph (2)—

7 (A) in subparagraph (A), by inserting “but
 8 excluding services furnished by a qualified audi-
 9 ologist” before the semicolon;

10 (B) in subparagraph (GG), by striking
 11 “and” at the end;

12 (C) in subparagraph (HH), by striking the
 13 period at the end and inserting “; and”; and

14 (D) by adding at the end the following new
 15 subparagraph:

16 “(II) audiologist services (as defined in sub-
 17 section (ll)(3));”; and

18 (2) in paragraph (3), by inserting “(including
 19 services supervised by a qualified audiologist but ex-
 20 cluding services supervised by a qualified audiologist
 21 under the supervision of a physician or other health
 22 care practitioner)” before the semicolon.

23 (b) IMPROVED ACCESS TO AUDIOLOGIST SERV-
 24 ICES.—Paragraph (3) of section 1861(ll) of the Social Se-

1 curity Act (42 U.S.C. 1395x(ll)) is amended to read as
 2 follows:

3 “(3) The term ‘audiologist services’ means such diag-
 4 nostic or treatment services furnished by a qualified audi-
 5 ologist which the qualified audiologist is legally authorized
 6 to perform under State law (or the regulatory mechanism
 7 provided by State law), as would otherwise be covered if
 8 furnished by a physician or as an incident to a physician’s
 9 service, without regard to any requirement that the indi-
 10 vidual receiving such audiologist services is under the care
 11 of (or referred by) a physician or other health care practi-
 12 tioner or that such services are furnished under the super-
 13 vision of a physician or other health care practitioner.”.

14 (c) PAYMENT UNDER THE PHYSICIAN FEE SCHED-
 15 ULE.—

16 (1) PROVISION FOR PAYMENT UNDER PART
 17 B.—Section 1832(a)(2)(B)(iii) of the Social Security
 18 Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by
 19 inserting “audiologist services,” after “qualified psy-
 20 chologist services,”.

21 (2) PAYMENT AMOUNT AND COINSURANCE.—
 22 Section 1833(a)(1) of such Act (42 U.S.C.
 23 1395l(a)(1)) is amended—

24 (A) by striking “and” before (DD); and

(B) by inserting before the semicolon at the end the following: “; and (EE) with respect to audiologist services furnished under section 1861(s)(2)(II), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or the fee schedule amount provided under section 1848”.

(3) PAYMENT ON ASSIGNMENT-RELATED BASIS.—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 clause:

“(vii) An audiologist.”.

(4) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting “(2)(II),” before “(3),”.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in the amendments made by this Act shall be construed to expand the scope of audiologist services or services for which payment may be made to other providers under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) beyond those services for which such payment may be made as of December 31, 2021.

1 **SEC. 5. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply to
3 items and services furnished on or after January 1, 2022.

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