

117TH CONGRESS
1ST SESSION

S. 1893

To amend title XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. TESTER (for himself and Mr. BARRASSO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, 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 “Rural Physician Work-
5 force Production Act of 2021”.

1 **SEC. 2. ELECTIVE RURAL SUSTAINABILITY PER RESIDENT**
 2 **PAYMENT FOR RESIDENTS TRAINING IN**
 3 **RURAL TRAINING LOCATIONS.**

4 (a) IN GENERAL.—Section 1886 of the Social Secu-
 5 rity Act (42 U.S.C. 1395ww) is amended by adding at the
 6 end the following new subsection:

7 “(u) ELECTIVE RURAL SUSTAINABILITY PER RESI-
 8 DENT PAYMENT AMOUNT FOR RESIDENTS TRAINING IN
 9 RURAL TRAINING LOCATIONS.—

10 “(1) DETERMINATION OF ELECTIVE RURAL
 11 SUSTAINABILITY PER RESIDENT PAYMENT
 12 AMOUNT.—

13 “(A) IN GENERAL.—The elective rural sus-
 14 tainability per resident payment amount deter-
 15 mined under this subsection for an applicable
 16 hospital (as defined in paragraph (7)(A)) that
 17 makes an election under paragraph (2), with re-
 18 spect to each full-time-equivalent resident in an
 19 approved medical residency training program
 20 that receives training in a rural training loca-
 21 tion (as defined in paragraph (7)(C)), is an
 22 amount equal to the difference between—

23 “(i) the total elective rural sustain-
 24 ability amount determined under subpara-
 25 graph (B) (or, in the case of an applicable
 26 hospital not located in a rural area, the

total elective rural sustainability amount or urban total elective rural sustainability amount, as applicable, determined under such subparagraph); and

“(ii) the amount (if any) the applicable hospital otherwise receives for direct graduate medical education costs under subsection (h) or section 1814(l), as applicable, with respect to each such resident.

“(B) TOTAL ELECTIVE RURAL SUSTAINABILITY AMOUNT.—

“(i) ESTABLISHMENT FOR INITIAL COST REPORTING PERIODS.—

“(I) IN GENERAL.—Subject to subclause (II), for cost reporting periods beginning during the first year beginning on or after the date of the enactment of this subsection, the Secretary shall establish a total elective rural sustainability amount for time spent by each full-time-equivalent resident in an approved medical residency training program that receives training in a rural training location. Such amount shall be the amount that the

Secretary determines is equal to the median national direct GME training costs per full-time equivalent resident for 2015 described in table 9 on page 33 of the March 2018 GAO report on Physician Workforce (GAO–18–240), updated for each subsequent year through the first year beginning on or after the date of the enactment of this subsection, by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average).

“(II) APPLICATION TO URBAN HOSPITALS.—For cost reporting periods beginning during the first year beginning on or after the date of the enactment of this subsection, in the case of an applicable hospital that is not located in a rural area—

“(aa) with respect to such residents that receive training in a rural track or an integrated rural track, the total elective rural sustainability amount per

1 resident shall be equal to the
2 amount established under sub-
3 clause (I); and

4 “(bb) with respect to such
5 residents that receive training in
6 a rural training location and who
7 are not participating in a rural
8 track or an integrated rural
9 track, the total elective rural sus-
10 tainability amount per resident
11 shall be equal to 50 percent of
12 the amount established under
13 subclause (I) (referred to in this
14 subsection as the ‘urban total
15 elective rural sustainability
16 amount’).

17 “(ii) UPDATING FOR SUBSEQUENT
18 COST REPORTING PERIODS.—For each sub-
19 sequent cost reporting period, the total
20 elective rural sustainability amount under
21 clause (i)(I) and clause (i)(II)(aa) and the
22 urban total elective rural sustainability
23 amount under clause (i)(II)(bb), respec-
24 tively, are equal to such amounts deter-
25 mined under such clause for the previous

1 cost reporting period updated, through the
2 midpoint of the period, by projecting the
3 estimated percentage change in the con-
4 sumer price index for all urban consumers
5 (all items; United States city average) dur-
6 ing the 12-month period ending at that
7 midpoint, with appropriate adjustments to
8 reflect previous under- or over-estimations
9 under this clause in the projected percent-
10 age change in the consumer price index for
11 medical care services.

12 “(C) CLARIFICATION.—The total elective
13 rural sustainability amount, the urban total
14 elective rural sustainability amount, and the
15 elective rural sustainability per resident pay-
16 ment amount determined under this paragraph
17 shall not be discounted or otherwise adjusted
18 based on the Medicare patient load (as defined
19 in subsection (h)(3)(C)) of an applicable hos-
20 pital or discharges in a diagnosis-related group.

21 “(2) ELECTION.—For cost reporting periods
22 beginning on or after the date that is 1 year after
23 the date of the enactment of this subsection, an ap-
24 plicable hospital may elect to receive the elective
25 rural sustainability per resident payment amount for

1 each full-time-equivalent resident in an approved
 2 medical residency training program that receives
 3 training in a rural training location in accordance
 4 with this subsection. An applicable hospital may
 5 make an election under the preceding sentence re-
 6 gardless of whether the applicable hospital is other-
 7 wise eligible for a payment or adjustment for indi-
 8 rect and direct graduate medical education costs
 9 under subsections (d)(5)(B) and (h) or section
 10 1814(l), as applicable, with respect to such resi-
 11 dents.

12 “(3) APPLICATION.—The provisions of this sub-
 13 section, or the application of such provisions to an
 14 applicable hospital—

15 “(A) shall not result in—

16 “(i) the establishment of a limitation
 17 on the number of residents in allopathic or
 18 osteopathic medicine for purposes of sub-
 19 sections (d)(5)(B) and (h) with respect to
 20 an approved medical residency training
 21 program of an applicable hospital (or be
 22 taken into account in determining such a
 23 limitation during the cap building period of
 24 an applicable hospital); or

“(ii) the counting of any resident with respect to which the applicable hospital receives an elective rural sustainability per resident payment amount under this subsection towards the application of the limitation described in clause (i) for purposes of subsections (d)(5)(B) and (h); and

“(B) shall not have any effect on the determination of—

“(i) the additional payment amount under subsection (d)(5)(B); or

“(ii) hospital-specific approved FTE resident amounts under subsection (h).

“(4) ALLOCATION OF PAYMENTS.—In providing for payments under this subsection, the Secretary shall provide for an allocation of such payments between parts A and part B (and the trust funds established under the respective parts) as reasonably reflects the proportion of such costs associated with the provision of services under each respective part.

“(5) ELIGIBILITY FOR PAYMENT.—

“(A) IN GENERAL.—An applicable hospital shall be eligible for payment of the elective rural sustainability per resident payment amount under this subsection for time spent by

a resident training in a rural training location
if the following requirements are met:

“(i) The resident spends the equivalent of at least 8 weeks over the course of their training in a rural training location.

“(ii) The hospital pays the salary and benefits of the resident for the time spent training in a rural training location.

“(B) TREATMENT OF TIME SPENT IN RURAL TRACKS OR INTEGRATED RURAL TRACKS.—An applicable hospital shall be eligible for payment of the elective rural sustainability per resident payment amount under this subsection for all time spent by residents in an approved medical residency program (or separately defined track within a program) that provides more than 50 percent of the total residency training time in rural training locations, regardless of where the training occurs and regardless of specialty.

“(6) DETERMINATION OF FULL-TIME-EQUIVALENT RESIDENTS.—The determination of full-time-equivalent residents for purposes of this subsection shall be made in the same manner as the determination of full-time-equivalent residents under sub-

1 section (h)(4), but not taking into account the limi-
 2 tation under subparagraph (F) of such subsection.

3 “(7) DEFINITIONS.—In this subsection:

4 “(A) APPLICABLE HOSPITAL.—The term
 5 ‘applicable hospital’ means a hospital, critical
 6 access hospital, sole community hospital (as de-
 7 fined in subsection (d)(5)(D)(iii)), or rural
 8 emergency hospital (as defined in section
 9 1861(kkk)(2)).

10 “(B) APPROVED MEDICAL RESIDENCY
 11 TRAINING PROGRAM; DIRECT GRADUATE MED-
 12 ICAL EDUCATION COSTS; RESIDENT.—The
 13 terms ‘approved medical residency training pro-
 14 gram’, ‘direct graduate medical education
 15 costs’, and ‘resident’ have the meanings given
 16 those terms in subsection (h)(5).

17 “(C) RURAL TRAINING LOCATION.—The
 18 term ‘rural training location’ means a location
 19 in which training occurs that, based on the
 20 2010 census or any subsequent census adjust-
 21 ment, meets one or more of the following cri-
 22 teria:

23 “(i) The training occurs in a location
 24 that is a rural area (as defined in section
 25 1886(d)(2)(D)).

1 “(ii) The training occurs in a location
2 that has a rural-urban commuting area
3 code equal to or greater than 4.0.

4 “(iii) The training occurs in a sole
5 community hospital (as defined in sub-
6 section (d)(5)(D)(iii)) or in a location that
7 is within 10 miles of a sole community hos-
8 pital.

9 “(8) BUDGET NEUTRALITY REQUIREMENT.—
10 The Secretary shall ensure that aggregate payments
11 for direct medical education costs and indirect med-
12 ical education costs under this title, including any
13 payments under this subsection, for each year (effec-
14 tive beginning on or after the date that is 1 year
15 after the date of enactment of this subsection) are
16 not greater than the aggregate payments for such
17 costs that would have been made under this title for
18 the year without the application of this subsection.
19 For purposes of carrying out the budget neutrality
20 requirement under the preceding sentence, the Sec-
21 retary may make appropriate adjustments to the
22 amount of such payments for direct graduate med-
23 ical education costs and indirect medical education
24 costs under subsections (h) and (d)(5)(B), respec-
25 tively.”.

1 (b) TREATMENT OF CRITICAL ACCESS HOSPITALS
 2 AND SOLE COMMUNITY HOSPITALS.—

3 (1) CRITICAL ACCESS HOSPITALS.—Section
 4 1814(l) of the Social Security Act (42 U.S.C.
 5 1395f(l)) is amended by adding at the end the fol-
 6 lowing new paragraph:

7 “(6) For cost reporting periods beginning on or after
 8 the date that is 1 year after the date of enactment of this
 9 paragraph, the following shall apply:

10 “(A) A critical access hospital may elect to be
 11 treated as a hospital or as a non-provider setting for
 12 purposes of counting resident time for indirect med-
 13 ical education costs and direct graduate medical edu-
 14 cation costs for the time spent by the resident in
 15 that setting under subsections (d)(5)(B) and (h), re-
 16 spectively, of section 1886.

17 “(B) Medical education costs shall not be con-
 18 sidered reasonable costs of a critical access hospital
 19 for purposes of payment under paragraph (1), to the
 20 extent that the critical access hospital is treated as
 21 a non-provider setting of another hospital or another
 22 hospital receives payment for such costs for the time
 23 spent by the resident in that setting pursuant to
 24 subsection (d)(5)(B), subsection (h), or subsection
 25 (u) of section 1886.”.

1 (2) SOLE COMMUNITY HOSPITALS.—Section
 2 1886(d)(5)(D) of the Social Security Act (42 U.S.C.
 3 1395ww(d)(5)(D)) is amended by adding at the end
 4 the following new clause:

5 “(vi) For cost reporting periods beginning on or after
 6 the date that is 1 year after the date of enactment of this
 7 paragraph, the hospital-specific payment amount deter-
 8 mined under clause (i)(I) with respect to a sole community
 9 hospital shall not include medical education costs, to the
 10 extent that the sole community hospital receives payment
 11 for such costs for the time spent by the resident in that
 12 setting pursuant to subsection (u).”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) Section 1886 of the Social Security Act (42
 15 U.S.C. 1395ww) is amended—

16 (A) in subsection (d)(5)(B), in the matter
 17 preceding clause (i), by striking “The Sec-
 18 retary” and inserting “Subject to subsection
 19 (u), the Secretary”; and

20 (B) in subsection (h)—

21 (i) in paragraph (1), by inserting
 22 “subject to subsection (u)” after
 23 “1861(v),”; and

24 (ii) in paragraph (3), in the flush
 25 matter following subparagraph (B), by

1 striking “subsection (k)” and inserting
 2 “subsection (k) or subsection (u)”.

3 **SEC. 3. SUPPORTING NEW, EXPANDING, AND EXISTING**
 4 **RURAL TRAINING TRACKS.**

5 (a) DIRECT GRADUATE MEDICAL EDUCATION.—Sec-
 6 tion 1886(h) of the Social Security Act (42 U.S.C.
 7 1395ww(h)) is amended—

8 (1) in paragraph (4)—

9 (A) in subparagraph (F)(i)—

10 (i) by striking “130 percent” and in-
 11 serting “for cost reporting periods begin-
 12 ning on or after October 1, 1997, and be-
 13 fore the date that is 1 year after the date
 14 of enactment of the Rural Physician Work-
 15 force Production Act of 2021, 130 per-
 16 cent”; and

17 (ii) by adding at the end the fol-
 18 lowing: “For cost reporting periods begin-
 19 ning on or after the date that is 1 year
 20 after the date of enactment of the Rural
 21 Physician Workforce Production Act of
 22 2021, such rules shall provide that any
 23 full-time-equivalent resident in an ap-
 24 proved medical residency program (or sep-
 25 arately defined track within a program)

that provides more than 50 percent of the total residency training time in rural training locations (as defined in subsection (u)(6)(C)), regardless of where the training occurs and regardless of specialty, shall not be taken into account for purposes of applying the limitation under this subparagraph.”; and

(B) in subparagraph (H)—

(i) in clause (i), in the second sentence, by inserting the following before the period: “, in accordance with the second sentence of clause (i) of such subparagraph”; and

(ii) in clause (iv), by inserting the following before the period: “, in accordance with the second sentence of clause (i) of such subparagraph”; and

(2) in paragraph (5), by adding at the end the following new subparagraph:

“(L) SPECIAL RULES REGARDING APPLICATION OF ELECTIVE RURAL SUSTAINABILITY PER RESIDENT PAYMENT AMOUNT.—For special rules regarding application of the elective rural sustainability per resident payment amount

1 under subsection (u), see paragraph (3) of such
2 subsection.”.

3 (b) INDIRECT MEDICAL EDUCATION.—Section
4 1886(d)(5)(B)(v) is amended—

5 (1) by striking “130 percent” and inserting
6 “for cost reporting periods beginning on or after Oc-
7 tober 1, 1997, and before the date that is 1 year
8 after the date of enactment of the Rural Physician
9 Workforce Production Act of 2021, 130 percent”;
10 and

11 (2) by adding at the end the following: “For
12 cost reporting periods beginning on or after the date
13 that is 1 year after the date of enactment of the
14 Rural Physician Workforce Production Act of 2021,
15 such rules shall provide that any full-time-equivalent
16 resident in an approved medical residency program
17 (or separately defined track within a program) that
18 provides more than 50 percent of the total residency
19 training time in rural training locations (as defined
20 in subsection (u)(6)(C)), regardless of where the
21 training occurs and regardless of specialty, shall not
22 be taken into account for purposes of applying the
23 limitation under this subparagraph. For special rules
24 regarding application of the elective rural sustain-

- 1 ability per resident payment amount under sub-
2 section (u), see paragraph (3) of such subsection.”.

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