

117TH CONGRESS  
1ST SESSION

# S. 3085

To assist in the transition of a certain hospital to a Medicare rural emergency hospital, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2021

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

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## A BILL

To assist in the transition of a certain hospital to a Medicare rural emergency hospital, 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 “Helping Account for  
5       Rural Medical Outpatient Needs in Oklahoma Act” or the  
6       “HARMON Oklahoma Act”.

1 **SEC. 2. ASSISTANCE IN THE TRANSITION OF A CERTAIN**  
2 **HOSPITAL TO A MEDICARE RURAL EMER-**  
3 **GENCY HOSPITAL.**

4 (a) SPECIAL RULE.—In the case of a critical access  
5 hospital (as defined in section 1861(mm) of the Social Se-  
6 curity Act (42 U.S.C. 1395x(mm))) with a Centers for  
7 Medicare & Medicaid Services certification number of  
8 371338, the following shall apply:

9 (1) Pursuant to the June 11, 2021, Centers for  
10 Medicare & Medicaid Services letter sent to the crit-  
11 ical access hospital—

12 (A) the Secretary of Health and Human  
13 Services (referred to in this section as the “Sec-  
14 retary”) shall suspend the running of the twen-  
15 ty-four month extension mentioned in the Octo-  
16 ber 15, 2019, letter to the hospital during the  
17 COVID–19 public health emergency; and

18 (B) the hospital shall have 19.7 months  
19 after the end of the COVID–19 public health  
20 emergency to notify the Centers for Medicare &  
21 Medicaid Services of the hospital’s intent to ei-  
22 ther convert to an acute care hospital, transi-  
23 tion to a rural emergency hospital under section  
24 1861(kkk) of the Social Security Act (42  
25 U.S.C. 1395x(kkk)) (if the hospital qualifies as  
26 such), or terminate as a critical access hospital.

1           (2) Prior to the end of the 19.7 months de-  
2       scribed in paragraph (1)(B), the Secretary shall not  
3       take an adverse redesignation action with respect to  
4       the critical access hospital status of the hospital as  
5       long as the hospital continues to meet all of the re-  
6       quirements for designation as a critical access hos-  
7       pital other than the distance requirement under sec-  
8       tion 1820(c)(2)(B)(i) of such Act (42 U.S.C. 1395i-  
9       4(c)(2)(B)(i)).

10          (3) If, prior to the end of the 19.7 months de-  
11       scribed in paragraph (1)(B), the critical access hos-  
12       pital notifies the Secretary of the hospital's intention  
13       to transition to a rural emergency hospital, the Sec-  
14       retary—

15                (A) shall give priority to the processing of  
16       the request for such transition; and

17                (B) shall not take an adverse redesignation  
18       action with respect to the critical access hos-  
19       pital status of the hospital prior to the later  
20       of—

21                   (i) the end of the 19.7 months de-  
22       scribed in paragraph (1)(B); or

23                   (ii) the date the Secretary makes a  
24       final determination with respect to such re-  
25       quest.

1 (b) TIMELINE FOR REGULATIONS.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) not later than July 1, 2022, promul-  
4 gate a proposed rule to carry out the provisions  
5 of, and amendments made by, section 125 of di-  
6 vision CC of the Consolidated Appropriations  
7 Act, 2021 (Public Law 116–260); and

8 (B) not later than November 1, 2022, pro-  
9 mulgate a final rule to carry out such provi-  
10 sions and amendments.

11 (2) ADDITIONAL INFORMATION.—The Secretary  
12 shall ensure that the proposed and final rules re-  
13 quired under paragraph (1) contain a description of  
14 the additional information that will be required  
15 under section 1861(kkk)(4) of the Social Security  
16 Act (42 U.S.C. 1395x(kkk)(4)).

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