

117TH CONGRESS
2D SESSION

S. 5

To amend title XVIII of the Social Security Act to ensure appropriate supervision requirements for outpatient physical therapy and outpatient occupational therapy.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. CARPER (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 ensure appropriate supervision requirements for outpatient physical therapy and outpatient occupational therapy.

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. ENSURING APPROPRIATE SUPERVISION RE-**
4 **QUIREMENTS FOR OUTPATIENT PHYSICAL**
5 **THERAPY AND OUTPATIENT OCCUPATIONAL**
6 **THERAPY.**

7 (a) IN GENERAL.—

8 (1) PAYMENT.—Section 1834(v)(1) of the So-
9 cial Security Act (42 U.S.C. 1395m(v)(1)) is amend-

1 ed, in the second sentence (as amended by sub-
2 section (a)), by inserting “, but in no case shall the
3 Secretary impose a supervision requirement on such
4 services that is different than any such requirement
5 under applicable State law” before the period at the
6 end.

7 (2) DEFINITION.—Section 1861(p) of the So-
8 cial Security Act, is amended, in the first sentence
9 of the flush matter following subparagraph (4)(B),
10 by inserting “, but in no case may those conditions
11 impose a supervision requirement that is different
12 than any such requirement under applicable State
13 law” after “as the Secretary may find necessary”.

14 (3) EFFECTIVE DATE.—The amendments made
15 this subsection shall take effect on July 1, 2023.

16 (b) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

○