

118TH CONGRESS
1ST SESSION

S. 2288

To amend title XVIII of the Social Security Act to provide coverage of medically necessary home resiliency services under Medicare.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. MARKEY 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 provide coverage of medically necessary home resiliency services under Medicare.

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 “Survival Aid For
5 Emergencies through Medicare Act” or the “SAFE
6 through Medicare Act”.

7 **SEC. 2. MEDICARE COVERAGE OF MEDICALLY NECESSARY**
8 **HOME RESILIENCY SERVICES.**

9 (a) COVERAGE.—Section 1861 of the Social Security
10 Act (42 U.S.C. 1395x) is amended—

1 (1) in subsection (s)(2)—

2 (A) in subparagraph (II), by striking
3 “and” at the end;

4 (B) in subparagraph (JJ), by inserting
5 “and” at the end; and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(KK) in the case of an individual who is medi-
9 cally at-risk in the event of a climate or manmade
10 disaster (as determined by the Secretary in accord-
11 ance with subsection (nnn)), home resiliency services
12 (as defined in such subsection);”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(nnn) HOME RESILIENCY SERVICES; DETERMINA-
16 TION OF INDIVIDUALS MEDICALLY AT-RISK.—

17 “(1) HOME RESILIENCY SERVICES.—The term
18 ‘home resiliency services’ means items and serv-
19 ices—

20 “(A) furnished on or after January 1,
21 2024, to an individual described in subsection
22 (s)(2)(KK); and

23 “(B) that the Secretary determines are
24 medically necessary for such individual in the
25 case of a climate or manmade disaster, such as

1 a heat pump for an individual vulnerable to ex-
 2 treme temperatures, solar batteries for an indi-
 3 vidual reliant on electrical medical equipment
 4 (including home mechanical ventilators), and
 5 energy efficient cold-storage for heat-sensitive
 6 medical supplies.

7 “(2) DETERMINATION OF INDIVIDUALS MEDI-
 8 CALLY AT-RISK.—For purposes of subsection
 9 (s)(2)(KK) and this subsection, the Secretary, in
 10 consultation with the Office of Climate Change and
 11 Health Equity, the National Institutes of Health,
 12 the Centers of Medicare & Medicaid Services, and
 13 the National Oceanic and Atmospheric Administra-
 14 tion, shall establish a process to determine the con-
 15 ditions under which an individual would be deter-
 16 mined to be medically at-risk in the event of a dis-
 17 aster or climate hazards, including extreme heat, ex-
 18 treme cold, flooding, and loss of power. Such a proc-
 19 ess shall consider—

20 “(A) geography-specific climate risks and
 21 regional preparedness for different climate
 22 risks;

23 “(B) the regional history of disaster or cli-
 24 mate hazards and infrastructure failure in the
 25 preceding 20 years or the forward-looking pre-

dicted risk of disaster or climate hazards and
infrastructure failure in the next 20 years;

“(C) medical reliance on equipment, pharmaceuticals, mobility aids, and other supplies that are sensitive to exposure to extreme temperatures, poor air quality, flooding and water damage, or dependent on electrical power; and

“(D) chronic medical conditions, disabilities, and comorbidities that increase patient vulnerability during disaster.”.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and” before “(HH)”; and

(2) by inserting before the semicolon at the end the following: “and (II) with respect to home resiliency services described in section 1861(s)(2)(KK), the amount paid shall be an amount equal to 100 percent of the lesser of the actual charge for the services or the amount determined under a fee schedule established by the Secretary”.

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