

113TH CONGRESS  
1ST SESSION

# H. R. 3769

To extend the nonenforcement instruction for the Medicare direct supervision requirement for therapeutic hospital outpatient services insofar as it applies to critical access hospitals and rural hospitals, to require a study of the impact on critical access hospitals and rural hospitals of a failure to extend such instruction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. SMITH of Nebraska (for himself and Ms. JENKINS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To extend the nonenforcement instruction for the Medicare direct supervision requirement for therapeutic hospital outpatient services insofar as it applies to critical access hospitals and rural hospitals, to require a study of the impact on critical access hospitals and rural hospitals of a failure to extend such instruction, 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,*

1 **SECTION 1. EXTENSION OF NONENFORCEMENT INSTRUC-**  
2 **TION FOR THE MEDICARE DIRECT SUPER-**  
3 **VISION REQUIREMENT FOR THERAPEUTIC**  
4 **HOSPITAL OUTPATIENT SERVICES FOR CRIT-**  
5 **ICAL ACCESS HOSPITALS AND RURAL HOS-**  
6 **PITALS; STUDY OF IMPACT OF FAILURE TO**  
7 **EXTEND SUCH INSTRUCTION.**

8 (a) **EXTENSION OF THERAPY SUPERVISION NON-**  
9 **ENFORCEMENT INSTRUCTION.**—The Secretary of Health  
10 and Human Services shall, during the extension period,  
11 extend the therapy supervision nonenforcement instruc-  
12 tion.

13 (b) **DEFINITIONS.**—In this section:

14 (1) **THERAPY SUPERVISION NONENFORCEMENT**  
15 **INSTRUCTION.**—The term “therapy supervision non-  
16 enforcement instruction” means the enforcement in-  
17 struction on supervision requirements for outpatient  
18 therapeutic services in critical access and small rural  
19 hospitals, as extended for calendar year 2013 by the  
20 Centers for Medicare & Medicaid Services (released  
21 as of November 1, 2012).

22 (2) **CRITICAL ACCESS HOSPITAL; SMALL RURAL**  
23 **HOSPITAL.**—The terms “critical access hospital” and  
24 “small rural hospital” have the meanings given such  
25 terms for purposes of the therapy supervision non-  
26 enforcement instruction.

1           (3) EXTENSION PERIOD.—The term “extension  
2           period” means calendar year 2014, and includes a  
3           subsequent calendar year unless the report under  
4           subsection (c)(2) has been submitted at least 90  
5           days before the end of the previous calendar year.

6           (c) STUDY AND REPORT ON IMPACT OF FAILURE TO  
7           EXTEND THERAPY SUPERVISION NONENFORCEMENT IN-  
8           STRUCTION.—

9           (1) STUDY.—The Secretary of Health and  
10          Human Services shall conduct a study on the impact  
11          (including the economic impact and the impact upon  
12          hospital staffing needs, if any) on critical access hos-  
13          pitals and small rural hospitals of not extending the  
14          therapy supervision nonenforcement instruction.

15          (2) REPORT.—The Secretary of Health and  
16          Human Services shall submit to Congress a report  
17          on the findings of the study conducted under para-  
18          graph (1), including recommendations regarding on  
19          whether the therapy supervision nonenforcement in-  
20          struction should be extended or made permanent.

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