

118TH CONGRESS  
2D SESSION

# H. R. 7397

To amend title XVIII of the Social Security Act to establish a definition of essential health system in statute.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2024

Mrs. TRAHAN (for herself and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 amend title XVIII of the Social Security Act to establish a definition of essential health system in statute.

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. ESTABLISHING A DEFINITION OF ESSENTIAL**  
4 **HEALTH SYSTEM IN STATUTE.**

5 Section 1861 of the Social Security Act (42 U.S.C.  
6 1395x) is amended by adding at the end the following new  
7 subsection:

8 “(nnn) **ESSENTIAL HEALTH SYSTEM.**—The term ‘es-  
9 sential health system’ means a hospital—

1           “(1) that is a subsection (d) hospital (as de-  
2           fined in section 1886(d)(1)(B));

3           “(2) that is a non-Federal governmental or pri-  
4           vate nonprofit hospital; and

5           “(3) that—

6                   “(A) meets the requirements of a Medicaid  
7                   deemed disproportionate share hospital (as de-  
8                   scribed in section 1923(b)(1));

9                   “(B) has a Medicare disproportionate pa-  
10                  tient percentage of at least 35 percent (as de-  
11                  fined in section 1886(d)(5)(F)(vi)); or

12                  “(C) has a Medicare disproportionate  
13                  share hospital uncompensated care payment  
14                  factor of 0.0005 or more, (as defined in section  
15                  1886(r)(2)(C)).”.

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