

118TH CONGRESS
1ST SESSION

S. 2377

To amend title XVIII of the Social Security Act to improve coverage of audiology services under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Ms. WARREN (for herself, Mr. PAUL, Mr. GRASSLEY, Mrs. SHAHEEN, Ms. SINEMA, Mr. WICKER, Mr. BROWN, Mr. WELCH, and Mr. KING) 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 improve coverage of audiology services under the Medicare program, 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 “Medicare Audiology
5 Access Improvement Act of 2023”.

6 **SEC. 2. COVERAGE OF AUDIOLOGY SERVICES UNDER THE**
7 **MEDICARE PROGRAM.**

8 (a) IN GENERAL.—Section 1861(s)(2) of the Social
9 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

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

3 (2) in subparagraph (JJ), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(KK) audiology services (as defined in sub-
8 section (ll)(3));”.

9 (b) IMPROVED ACCESS TO AUDIOLOGY SERVICES.—
10 Paragraph (3) of section 1861(ll) of the Social Security
11 Act (42 U.S.C. 1395x(ll)) is amended to read as follows:

12 “(3) The term ‘audiology services’ means such hear-
13 ing and balance assessment services furnished on or before
14 December 31, 2024, and beginning January 1, 2025, such
15 diagnostic or treatment services furnished by a qualified
16 audiologist which the qualified audiologist is legally au-
17 thorized to perform under State law (or the regulatory
18 mechanism provided by State law), as would otherwise be
19 covered if furnished by a physician or as incident to a phy-
20 sician’s service. A qualified audiologist shall be permitted
21 to furnish such audiology services without regard to any
22 requirement that the individual receiving such audiology
23 services is under the care of (or referred by) a physician
24 or other health care practitioner or that such services are

1 furnished under the supervision of a physician or other
2 health care practitioner.”.

3 (c) PAYMENT AMOUNT AND COINSURANCE.—Section
4 1833(a)(1) of the Social Security Act (42 U.S.C.
5 1395l(a)(1)) is amended—

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

7 (2) by inserting the following before the semi-
8 colon: “and (II) with respect to audiology services
9 furnished under section 1861(s)(2)(KK), the
10 amounts paid shall be 80 percent of the lesser of the
11 actual charge for the services or the fee schedule
12 amount provided under section 1848”.

13 (d) PAYMENT ON ASSIGNMENT-RELATED BASIS.—
14 Section 1842(b)(18)(C) of the Social Security Act (42
15 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end
16 the following new clause:

17 “(ix) A qualified audiologist (as de-
18 fined in section 1861(ll)(4)(B)).”.

19 (e) INCLUSION OF QUALIFIED AUDIOLOGISTS AS
20 RHC AND FQHC PRACTITIONERS.—Section
21 1861(aa)(1)(B) of the Social Security Act (42 U.S.C.
22 1395x(aa)(1)(B)) is amended by inserting “by a qualified
23 audiologist (as defined in subsection (ll)(4)(B)),” after
24 “(as defined in subsection (hh)(1)),”.

1 (f) RULE OF CONSTRUCTION.—Nothing in the
2 amendments made by this section shall be construed to
3 expand the scope of audiologist services or services for
4 which payment may be made to other providers under title
5 XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)
6 beyond those services for which such payment may be
7 made as of December 31, 2024.

8 (g) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to items and services furnished on
10 or after January 1, 2025.

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