

One Hundred Seventeenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the third day of January, two thousand and twenty two*

An Act

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dr. Joanne Smith Memorial Rehabilitation Innovation Centers Act of 2022”.

SEC. 2. PRESERVING ACCESS TO REHABILITATION INNOVATION CENTERS UNDER MEDICARE.

(a) IN GENERAL.—Section 1886(j)(7)(E) of the Social Security Act (42 U.S.C. 1395ww(j)(7)(E)) is amended—

(1) by striking “PUBLIC AVAILABILITY OF DATA SUBMITTED.—The” and inserting “PUBLIC AVAILABILITY OF DATA SUBMITTED.—
“(i) IN GENERAL.—The”; and

(2) by inserting after clause (i), as redesignated by paragraph (1), the following new clauses:

“(ii) PUBLIC RECOGNITION OF REHABILITATION INNOVATION CENTERS.—Beginning not later than 18 months after the date of the enactment of this clause, the Secretary shall make publicly available on such Internet website, in addition to the information required to be reported on such website under clause (i), a list of all rehabilitation innovation centers, and shall update such list on such website not less frequently than biennially.

“(iii) REHABILITATION INNOVATION CENTERS DEFINED.—For purposes of clause (ii), the term ‘rehabilitation innovation centers’ means a rehabilitation facility that, as of the applicable date (as defined in clause (v)), is a rehabilitation facility described in clause (iv).

“(iv) REHABILITATION FACILITY DESCRIBED.—

“(I) IN GENERAL.—Subject to subclause (II), a rehabilitation facility described in this clause is a rehabilitation facility that—

“(aa) is classified as a rehabilitation facility under the IRF Rate Setting File for the Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2019 (83 Fed. Reg. 38514), or any successor regulations that contain such information;

“(bb) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury or spinal cord injury from the National Institute on Disability, Independent Living, and Rehabilitation Research at the Department of Health and Human Services, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

“(cc) submits to the Secretary a description of the clinical research enterprise of the facility and a summary of research activities of the facility that are supported by Federal agencies;

“(dd) has a minimum Medicare estimated average weight per discharge of 1.20 for the most recent fiscal year for which such information is available according to the IRF Rate Setting File described in item (aa), or any successor regulations that contain such information; and

“(ee) has a minimum teaching status of 0.075 for the most recent fiscal year for which such information is available according to the IRF Rate Setting File described in item (aa), or any successor regulations that contain such information.

“(II) WAIVER.—The Secretary may, as determined appropriate, waive any of the requirements under items (aa) through (ee) of subclause (I).

“(v) APPLICABLE DATE DEFINED.—For purposes of clauses (iii) and (iv), the term ‘applicable date’ means—

“(I) with respect to the initial publication of a list under clause (ii), the date of the enactment of such clause; and

“(II) with respect to the publication of an updated list under clause (ii), a date specified by the Secretary that is not more than one year prior to the date of such publication.

“(vi) IMPLEMENTATION.—Notwithstanding any other provision of law the Secretary may implement clauses (ii) through (v) by program instruction or otherwise.

“(vii) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to data collected under clauses (ii) through (v).”.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services—

(1) shall submit to Congress a report containing any recommendations on action as the Secretary determines appropriate to preserve access to rehabilitation innovation centers (as defined in section 1886(j)(7)(E)(iii) of the Social Security Act, as added by subsection (a)); and

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(2) may, in the report described in paragraph (1), as permitted by law, disseminate research, best practices, and other clinical information identified or developed by such rehabilitation innovation centers, as determined appropriate by the Secretary.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*