

114TH CONGRESS  
2D SESSION

# S. 3178

To amend title XVIII of the Social Security Act to permit hospitals in all-urban States to be considered Medicare dependent hospitals, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. CARPER, and Mr. COONS) 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 permit hospitals in all-urban States to be considered Medicare dependent hospitals, 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 “Fairness for Our Hos-  
5 pitals Act of 2016”.

1 **SEC. 2. PERMITTING HOSPITALS IN ALL-URBAN STATES TO**  
2 **BE CONSIDERED MEDICARE DEPENDENT**  
3 **HOSPITALS.**

4 (a) IN GENERAL.—Section 1886(d)(5)(G)(iv)(I) of  
5 the Social Security Act (42 U.S.C.  
6 1395ww(d)(5)(G)(iv)(I)) is amended to read as follows:

7 “(I) that—

8 “(aa) is located in a rural area; or

9 “(bb) for discharges occurring on or after  
10 January 1, 2011, is located in a State with no  
11 rural area (as defined in paragraph (2)(D)) and  
12 satisfies any of the criteria in subclauses (I),  
13 (II), (III), or (IV) of paragraph (8)(E)(ii),”.

14 (b) PROCESS FOR RECALCULATING PAYMENTS.—Not  
15 later than 120 days after the date of the enactment of  
16 this Act, the Secretary of Health and Human Services  
17 shall establish and implement a process under which the  
18 Secretary shall reimburse hospitals impacted by the  
19 amendment made by subsection (a) for any underpay-  
20 ments under title XVIII of the Social Security Act that  
21 are a result of the implementation of such amendment.

○