

116TH CONGRESS  
2D SESSION

# S. 3547

To amend title XVIII of the Social Security Act to waive limitations on expansion of facility capacity under rural provider and hospital exception to ownership or investment prohibition during coronavirus 2020 emergency period.

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 2020

Mr. CRUZ (for himself, Mr. CORNYN, Mr. LANKFORD, Mr. BRAUN, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to waive limitations on expansion of facility capacity under rural provider and hospital exception to ownership or investment prohibition during coronavirus 2020 emergency period.

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 “Creating Capacity for  
5 Communities in Need Act”.

1 **SEC. 2. WAIVER OF LIMITATIONS ON EXPANSION OF FACIL-**  
 2 **ITY CAPACITY UNDER RURAL PROVIDER AND**  
 3 **HOSPITAL EXCEPTION TO OWNERSHIP OR IN-**  
 4 **VESTMENT PROHIBITION DURING CORONAVI-**  
 5 **RUS 2020 EMERGENCY PERIOD.**

6 Section 1877(i)(1)(B) of the Social Security Act (42  
 7 U.S.C. 1395nn(i)(1)(B)) is amended—

8 (1) by striking “CAPACITY.—Except as provided  
 9 in paragraph (3), the number” and inserting “CA-  
 10 PACITY”.—

11 “(i) IN GENERAL.—Except as pro-  
 12 vided in paragraph (3) and subject to  
 13 clause (ii), the number”; and

14 (2) by adding at the end the following new  
 15 clause:

16 “(ii) EXCEPTION DURING  
 17 CORONAVIRUS 2020 EMERGENCY PERIOD.—

18 “(I) IN GENERAL.—The limita-  
 19 tion under clause (i) shall not apply  
 20 with respect to any increase in the  
 21 number of operating rooms, procedure  
 22 rooms, or beds for which a hospital is  
 23 licensed during the coronavirus 2020  
 24 emergency period, or for which the  
 25 hospital begins construction during  
 26 the coronavirus 2020 emergency pe-

1           riod regardless of whether the hospital  
2           is an applicable hospital (as defined in  
3           paragraph (3)(E)) or is a high Med-  
4           icaid facility described in paragraph  
5           (3)(F), and the hospital’s baseline  
6           number of operating rooms, procedure  
7           rooms, and beds for purposes of com-  
8           pliance with this subparagraph shall  
9           be automatically modified to reflect  
10          such increase on a permanent basis.

11                   “(II) CORONAVIRUS 2020 EMER-  
12                   GENCY PERIOD DEFINED.—For pur-  
13                   poses of this clause, the ‘coronavirus  
14                   2020 emergency period’ is the period  
15                   beginning on March 13, 2020, and  
16                   ending on the last day on which the  
17                   emergency declared by the President  
18                   under section 501 of the Robert T.  
19                   Stafford Disaster Relief and Emer-  
20                   gency Assistance Act (42 U.S.C.  
21                   5191) with respect to SARS-COV-2  
22                   and coronavirus disease 2019 (abbrev-  
23                   iated as COVID-19) is in effect.”.

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