

116TH CONGRESS  
2D SESSION

# S. 3615

To amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the rural community hospital demonstration program.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2020

Ms. MURKOWSKI (for herself, Mr. BENNET, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the rural community hospital demonstration program.

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 “Rural Community Hos-  
5 pital Demonstration Extension Act of 2020”.

6 **SEC. 2. FIVE-YEAR EXTENSION OF THE RURAL COMMUNITY**  
7 **HOSPITAL DEMONSTRATION PROGRAM.**

8 (a) EXTENSION.—

1           (1) IN GENERAL.—Subsection (a)(5) of section  
2           410A of the Medicare Prescription Drug, Improve-  
3           ment, and Modernization Act of 2003 (Public Law  
4           108–173; 42 U.S.C. 1395ww note), is amended by  
5           striking “10-year extension period” and inserting  
6           “15-year extension period”.

7           (2) CONFORMING AMENDMENTS FOR EXTEN-  
8           SION.—

9           (A) EXTENSION OF DEMONSTRATION PE-  
10          RIOD.—Subsection (g) of such section 410A is  
11          amended—

12                   (i) in the subsection heading, by strik-  
13                   ing “TEN-YEAR” and inserting “FIFTEEN-  
14                   YEAR”;

15                   (ii) in paragraph (1)—

16                           (I) by striking “additional 10-  
17                           year” and inserting “additional 15-  
18                           year”; and

19                           (II) by striking “10-year exten-  
20                           sion period” and inserting “15-year  
21                           extension period”;

22                   (iii) in paragraph (2), by striking “10-  
23                   year extension period” and inserting “15-  
24                   year extension period”;

1 (iv) in paragraph (3), by striking “10-  
2 year extension period” and inserting “15-  
3 year extension period”;

4 (v) in paragraph (4), by striking “10-  
5 year extension period” each place it ap-  
6 pears and inserting “15-year extension pe-  
7 riod”;

8 (vi) in paragraph (5), by striking “10-  
9 year extension period” and inserting “15-  
10 year extension period”; and

11 (vii) in subparagraph (A) of para-  
12 graph (6), by striking “10-year extension  
13 period” and inserting “15-year extension  
14 period”.

15 (B) RULE FOR HOSPITALS THAT ARE NOT  
16 ORIGINAL PARTICIPANTS IN THE DEMONSTRA-  
17 TION.—Paragraph (5) of subsection (g) of such  
18 section 410A is amended—

19 (i) by striking “PROGRAM.—During”  
20 and inserting “PROGRAM.—  
21 “(A) CURES ACT EXTENSION.—During”;

22 and

23 (ii) by adding at the end the following  
24 new subparagraph:

1           “(B) ADDITIONAL EXTENSION.—During  
2 the third 5 years of the 15-year extension pe-  
3 riod, the Secretary shall apply the provisions of  
4 paragraph (4) to rural community hospitals  
5 that are not described in paragraph (4) but are  
6 participating in the demonstration program  
7 under this section as of December 30, 2019, in  
8 a similar manner as such provisions apply to  
9 rural community hospitals described in para-  
10 graph (4).”.

11           (C) SOLICITATION OF APPLICATIONS.—  
12 Subparagraph (A) of subsection (g)(6) of such  
13 section 410A is amended—

14           (i) by striking “GENERAL.—The Sec-  
15 retary” and inserting “IN GENERAL.—

16           “(i) CURES ACT SOLICITATION.—The  
17 Secretary”; and

18           (ii) by adding at the end the following  
19 new clause:

20           “(ii) ADDITIONAL SOLICITATION.—  
21 The Secretary shall, notwithstanding sub-  
22 section (a)(2) or paragraph (2) of this sub-  
23 section, not later than 120 days after the  
24 date of the enactment of this clause, issue  
25 a solicitation for applications to select up

1 to the maximum number of additional  
2 rural community hospitals located in any  
3 State to participate in the demonstration  
4 program under this section for the third 5  
5 years of the 15-year extension period with-  
6 out exceeding the limitation under para-  
7 graph (3) of this subsection.”.

8 (b) CLARIFICATION OF APPLICATION OF CASE MIX  
9 ADJUSTMENT.—Subsection (b) of such section 410A is  
10 amended by adding at the end the following new para-  
11 graph:

12 “(3) CASE MIX ADJUSTMENT.—The Secretary  
13 shall provide for an appropriate adjustment under  
14 this paragraph to take into account variations in  
15 case mix of rural community hospitals, using the  
16 most recent case-mix data available.”.

17 (c) CHANGE IN TIMING FOR REPORT.—Subsection  
18 (e) of such section 410A is amended by striking “Not later  
19 than August 1, 2018” and inserting “Not later than Au-  
20 gust 1, 2023”.

21 (d) CLARIFYING TECHNICAL AMENDMENTS.—Such  
22 section 410A, as amended by subsections (a), (b), and (c),  
23 is further amended—

24 (1) in subsection (a)(1), by inserting “of Health  
25 and Human Services” after “Secretary”;

1           (2) in subsection (f)(1)(A)(iv) by inserting “of  
2           the Social Security Act (42 U.S.C. 1395i-4)” after  
3           “section 1820”; and

4           (3) in subsection (g)—

5           (A) in the heading of paragraph (4), by  
6           striking “HOSPITALS IN DEMONSTRATION PRO-  
7           GRAM ON DATE OF ENACTMENT” and inserting  
8           “HOSPITALS PARTICIPATING IN THE DEM-  
9           ONSTRATION PROGRAM DURING THE INITIAL 5-  
10          YEAR PERIOD”; and

11          (B) in clause (i) of paragraph (6)(A), as  
12          amended by subsection (a)(2)(C)(i), by striking  
13          “not later than 120 days after the date of the  
14          enactment of this paragraph” and inserting  
15          “not later than April 12, 2017”.

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