

118TH CONGRESS
2D SESSION

S. 4101

To amend title XVIII of the Social Security Act to provide for the continued designation of hospitals that met mountainous terrain or secondary roads distance requirement as critical access hospitals and to modify distance requirements for ambulance services furnished by critical access hospitals.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2024

Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. TESTER, and Mr. BARRASSO) 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 provide for the continued designation of hospitals that met mountainous terrain or secondary roads distance requirement as critical access hospitals and to modify distance requirements for ambulance services furnished by critical access hospitals.

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 “Preserving Emergency
5 Access in Key Sites Act” or the “PEAKS Act”.

1 **SEC. 2. TREATMENT OF HOSPITALS THAT MET MOUN-**
2 **TAINOUS TERRAIN OR SECONDARY ROADS**
3 **DISTANCE REQUIREMENT FOR DESIGNATION**
4 **AS CRITICAL ACCESS HOSPITAL.**

5 Section 1820(h) of the Social Security Act (42 U.S.C.
6 1395i-4(h)) is amended by adding at the end the following
7 new paragraph:

8 “(4) TREATMENT OF HOSPITALS THAT MET
9 MOUNTAINOUS TERRAIN OR SECONDARY ROADS DIS-
10 TANCE REQUIREMENT FOR DESIGNATION.—

11 “(A) IN GENERAL.—In the case of a hos-
12 pital described in subparagraph (B), the hos-
13 pital shall be deemed to meet the 15-mile dis-
14 tance requirement for mountainous terrain or
15 secondary roads described in subsection
16 (c)(2)(B)(i)(I) on or after January 1, 2026.

17 “(B) HOSPITAL DESCRIBED.—A hospital
18 described in this subparagraph is a hospital
19 that—

20 “(i) as of the date of enactment of
21 this paragraph, is designated as a critical
22 access hospital;

23 “(ii) demonstrates (in a manner deter-
24 mined by the Secretary) that the hospital
25 met the 15-mile distance requirement for
26 mountainous terrain or secondary roads

1 described in subsection (c)(2)(B)(i)(I) as of
2 the hospital’s last certification as a critical
3 access hospital; and

4 “(iii) after such date of enactment,
5 has a new hospital or other facility de-
6 scribed in this subsection located within
7 10–15 miles of the hospital.

8 “(C) REGULATIONS.—Not later than 1
9 year after the date of enactment of this para-
10 graph, the Secretary shall promulgate regula-
11 tions to carry out this paragraph.”.

12 **SEC. 3. MODIFICATION OF DISTANCE REQUIREMENTS FOR**
13 **AMBULANCE SERVICES FURNISHED BY CRIT-**
14 **ICAL ACCESS HOSPITALS.**

15 Section 1834(l)(8) of the Social Security Act (42
16 U.S.C. 1395m(l)(8)) is amended, in the flush matter fol-
17 lowing subparagraph (B), by inserting “(or, for such serv-
18 ices furnished on or after January 1, 2025, in the case
19 of mountainous terrain or in areas with only secondary
20 roads available, a 15-mile drive)” after “35-mile drive”.

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