AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4618
OFFERED BY M__. ____________

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.
2 This Act may be cited as the “Medicare Hearing Act
3 of 2019”.
4 SEC. 2. PROVIDING COVERAGE FOR HEARING CARE UNDER
5 THE MEDICARE PROGRAM.
6 (a) Provision of Aural Rehabilitation and
7 Treatment Services by Qualified Audiologists.—
8 Section 1861(ll)(3) of the Social Security Act (42 U.S.C.
9 1395x(ll)(3)) is amended by inserting “(and, beginning
10 January 1, 2022, such aural rehabilitation and treatment
11 services)” after “assessment services”.
12 (b) Coverage of Hearing Aids.—
13 (1) Inclusion of Hearing Aids as Prosthetic Devices.—Section 1861(s)(8) of the Social
14 Security Act (42 U.S.C. 1395x(s)(8)) is amended by
15 inserting “, and including hearing aids furnished on
16 or after January 1, 2022, to individuals diagnosed
with profound or severe hearing loss” before the semicolon at the end.

(2) Payment limitations for hearing aids.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

“(6) Limitations for hearing aids.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after January 1, 2022—

“(A) not more than once during any 5-year period;

“(B) only for types of such hearing aids that are not over-the-counter hearing aids (as defined in section 520(q)(1) of the Federal Food, Drug, and Cosmetic Act) and that are determined appropriate by the Secretary; and

“(C) only if furnished pursuant to a written order of a physician or qualified audiologist (as described in section 1861(ll)(4)(B)).”.

(3) Application of competitive acquisition.—

(A) In general.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—
(i) in the header, by inserting “AND HEARING AIDS” before the semicolon;

(ii) by inserting “and of hearing aids described in paragraph (2)(D) of such section,” after “2009,”; and

(iii) in clause (i), by inserting “or such hearing aids” after “such orthotics”.

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

“(D) HEARING AIDS.—Hearing aids for which payment would otherwise be made under section 1834(h).”.

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)), as amended by section 2(f)(2), is further amended by adding at the end the following new subparagraph:

“(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other
practitioner (as defined by the Secretary) to the
physician’s or practitioner’s own patients as
part of the physician’s or practitioner’s profes-
sional service.”.

(4) Inclusion of Audiologists as Certain Practitioners to Receive Payment on an Assignment-Related Basis.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

“(vii) With respect to 2022 and each subsequent year, a qualified audiologist (as defined in section 1861(ll)(3)(B)).”.

(e) Exclusion Modification.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting “(except such hearing aids or examinations as described in and otherwise allowed under section 1861(s)(8))” after “hearing aids or examinations therefor”.

SEC. 3. IMPLEMENTATION FUNDING.

The Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Ac-
count for the period of 2020 through 2024 of such sums as may be necessary for purposes of implementing the amendments made by section 2.

SEC. 4. REPORT.

(a) REPORT.—Not later than the date that is 2 years after the date of the enactment of the Medicare Hearing Act of 2019, the Inspector General of the Department of Health and Human Services shall—

(1) determine the feasibility of qualified audiologists (as defined in paragraph (4)(B) of 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll))) furnishing audiology services (as defined in paragraph (3) of such section) to individuals entitled to benefits under part A of title XVIII of such Act (42 U.S.C. 1395c et seq.) and enrolled for benefits under part B of such title (42 U.S.C.1395j et seq.) without such individuals being referred by a physician (as defined in section 1861(r) of such Act (42 U.S.C. 1395x(r))) or practitioner (as described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C))) to qualified audiologists; and

(2) submit to the Secretary of Health and Human Services a report on the feasibility of the referral described in paragraph (1) and any program
integrity or overutilization concerns with respect to such referral.

(b) REGULATIONS.—The Secretary of Health and Human Services may promulgate regulations to allow audiologists to furnish audiology services without a referral from a physician or practitioner, consistent with the findings submitted to the Secretary pursuant to subsection (a)(2).