To amend title XVIII of the Social Security Act to provide coverage for certain hearing items and services under part B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2019

Mrs. McBath (for herself and Mrs. Dingell) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend title XVIII of the Social Security Act to provide coverage for certain hearing items and services under part B of the Medicare program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Hearing Act of 2019”.
SEC. 2. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) Provision of Aural Rehabilitation and Treatment Services by Qualified Audiologists.—Section 1861(ll)(3) of the Social Security Act (42 U.S.C. 1395x(ll)(3)) is amended by inserting “(and, beginning January 1, 2022, such aural rehabilitation and treatment services)” after “assessment”.

(b) Coverage of Hearing Aids.—

(1) Inclusion of Hearing Aids as Prosthetic Devices.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting “, and including hearing aids” 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—

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

“(B) only if such individual has been diagnosed with profound or severe hearing loss in one or both ears;
“(C) 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

“(D) only if furnished pursuant to a written order of a doctor or qualified audiologist (as described in section 1861(ll)(5)).”.

(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 professional service.”.

(e) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended—

(1) by striking “hearing aids or examinations therefor, or”; and

(2) by inserting “, or, with respect to items and services furnished before January 1, 2022, hearing aids or examinations therefor” before the semicolon.
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 Account for the period of 2020 through 2024 of such sums as may be necessary for purposes of implementing the amendments made by section 2.