

1 (A) IN GENERAL.—Subsection (d) of sec-
2 tion 1086 of title 10, United States Code, is
3 amended by adding at the end the following
4 new paragraph:

5 “(6)(A) The requirement in paragraph (2)(A)
6 to enroll in the supplementary medical insurance
7 program under part B of title XVIII of the Social
8 Security Act (42 U.S.C. 1395j et seq.) shall not
9 apply to a person described in subparagraph (B)
10 during any month in which such person is not enti-
11 tled to a benefit described in subparagraph (A) of
12 section 226(b)(2) of the Social Security Act (42
13 U.S.C. 426(b)(2)) if such person has received the
14 counseling and information under subparagraph (C).

15 “(B) A person described in this subpara-
16 graph is a person—

17 “(i) who is under 65 years of age;

18 “(ii) who is entitled to hospital insur-
19 ance benefits under part A of title XVIII
20 of the Social Security Act pursuant to sub-
21 paragraph (A) or (C) of section 226(b)(2)
22 of such Act (42 U.S.C. 426(b)(2));

23 “(iii) whose entitlement to a benefit
24 described in subparagraph (A) of such sec-

1 tion has terminated due to performance of
2 substantial gainful activity; and

3 “(iv) who is retired under chapter 61
4 of this title.

5 “(C) The Secretary of Defense shall co-
6 ordinate with the Secretary of Health and
7 Human Services and the Commissioner of So-
8 cial Security to notify persons described in sub-
9 paragraph (B) of, and provide information and
10 counseling regarding, the effects of not enroll-
11 ing in the supplementary medical insurance
12 program under part B of title XVIII of the So-
13 cial Security Act (42 U.S.C. 1395j et seq.), as
14 described in subparagraph (A).”.

15 (B) CONFORMING AMENDMENT.—Para-
16 graph (2)(A) of such subsection is amended by
17 striking “is enrolled” and inserting “except as
18 provided by paragraph (6), is enrolled”.

19 (C) IDENTIFICATION OF PERSONS.—Sec-
20 tion 1110a of such title is amended by adding
21 at the end the following new subsection:

22 “(c) CERTAIN INDIVIDUALS NOT REQUIRED TO EN-
23 ROLL IN MEDICARE PART B.—In carrying out subsection
24 (a), the Secretary of Defense shall coordinate with the

1 Secretary of Health and Human Services and the Commis-
2 sioner of Social Security to—

3 “(1) identify persons described in subparagraph
4 (B) of section 1086(d)(6) of this title; and

5 “(2) provide information and counseling pursu-
6 ant to subparagraph (C) of such section.”.

7 (2) NON-APPLICATION OF MEDICARE PART B
8 LATE ENROLLMENT PENALTY.—Section 1839(b) of
9 the Social Security Act (42 U.S.C. 1395r(b)) is
10 amended, in the second sentence, by inserting “or
11 months for which the individual can demonstrate
12 that the individual is an individual described in
13 paragraph (6)(B) of section 1086(d) of title 10,
14 United States Code, who is enrolled in the
15 TRICARE program pursuant to such section” after
16 “an individual described in section 1837(k)(3)”.

17 (3) REPORT.—Not later than October 1, 2024,
18 the Secretary of Defense, the Secretary of Health
19 and Human Services, and the Commissioner of So-
20 cial Security shall jointly submit to the Committees
21 on Armed Services of the House of Representatives
22 and the Senate, the Committee on Ways and Means
23 and the Committee on Energy and Commerce of the
24 House of Representatives, and the Committee on Fi-
25 nance of the Senate a report on the implementation

1 of section 1086(d)(6) of title 10, United States
2 Code, as added by paragraph (1). Such report shall
3 include, with respect to the period covered by the re-
4 port—

5 (A) the number of individuals enrolled in
6 TRICARE for Life who are not enrolled in the
7 supplementary medical insurance program
8 under part B of title XVIII of the Social Secu-
9 rity Act (42 U.S.C. 1395j et seq.) by reason of
10 such section 1086(d)(6); and

11 (B) the number of individuals who—

12 (i) are retired from the Armed Forces
13 under chapter 61 of title 10, United States
14 Code;

15 (ii) are entitled to hospital insurance
16 benefits under part A of title XVIII of the
17 Social Security Act pursuant to receiving
18 benefits for 24 months as described in sub-
19 paragraph (A) or (C) of section 226(b)(2)
20 of such Act (42 U.S.C. 426(b)(2)); and

21 (iii) because of such entitlement, are
22 no longer enrolled in TRICARE Standard,
23 TRICARE Prime, TRICARE Extra, or
24 TRICARE Select under chapter 55 of title
25 10, United States Code.

1 (4) DEPOSIT OF SAVINGS INTO MEDICARE IM-
2 PROVEMENT FUND.—Section 1898(b)(1) of the So-
3 cial Security Act (42 U.S.C. 1395iii(b)(1)) is amend-
4 ed by striking “during and after fiscal year 2021,
5 \$0” and inserting “during and after fiscal year
6 2024, \$5,000,000”.

7 (5) APPLICATION.—The amendments made by
8 paragraphs (1) and (2) shall apply with respect to
9 a person who, on or after October 1, 2023, is a per-
10 son described in section 1086(d)(6)(B) of title 10,
11 United States Code, as added by paragraph (1).

12 (b) COVERAGE OF CERTAIN DNA SPECIMEN PROVE-
13 NANCE ASSAY TESTS UNDER MEDICARE.—

14 (1) BENEFIT.—

15 (A) COVERAGE.—Section 1861 of the So-
16 cial Security Act (42 U.S.C. 1395x) is amend-
17 ed—

18 (i) in subsection (s)(2)—

19 (I) in subparagraph (GG), by
20 striking “and” at the end;

21 (II) in subparagraph (HH), by
22 striking the period and inserting “;
23 and”; and

24 (III) by adding at the end the
25 following new subparagraph:

1 defined in section 1861(kkk)), unless such test is
2 furnished on or after January 1, 2021, and before
3 January 1, 2026, and such test is ordered by the
4 physician who furnished the prostate cancer biopsy
5 that obtained the specimen tested;”.

6 (2) PAYMENT AMOUNT AND RELATED REQUIRE-
7 MENTS.—Section 1834 of the Social Security Act
8 (42 U.S.C. 1395m) is amended by adding at the end
9 the following new subsection:

10 “(x) PROSTATE CANCER DNA SPECIMEN PROVE-
11 NANCE ASSAY TESTS.—

12 “(1) PAYMENT FOR COVERED TESTS.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the payment amount for a prostate
15 cancer DNA Specimen Provenance Assay test
16 (DSPA test) (as defined in section 1861(kkk))
17 shall be \$200. Such payment shall be payment
18 for all of the specimens obtained from the bi-
19 opsy furnished to an individual that are tested.

20 “(B) LIMITATION.—Payment for a DSPA
21 test under subparagraph (A) may only be made
22 on an assignment-related basis.

23 “(C) PROHIBITION ON SEPARATE PAY-
24 MENT.—No separate payment shall be made for
25 obtaining DNA that was separately taken from

1 an individual at the time of a biopsy described
2 in subparagraph (A).

3 “(2) HCPCS CODE AND MODIFIER ASSIGN-
4 MENT.—

5 “(A) IN GENERAL.—The Secretary shall
6 assign one or more HCPCS codes to a prostate
7 cancer DNA Specimen Provenance Assay test
8 and may use a modifier to facilitate making
9 payment under this section for such test.

10 “(B) IDENTIFICATION OF DNA MATCH ON
11 CLAIM.—The Secretary shall require an indica-
12 tion on a claim for a prostate cancer DNA
13 Specimen Provenance Assay test of whether the
14 DNA of the prostate biopsy specimens match
15 the DNA of the individual diagnosed with pros-
16 tate cancer. Such indication may be made
17 through use of a HCPCS code, a modifier, or
18 other means, as determined appropriate by the
19 Secretary.

20 “(3) DNA MATCH REVIEW.—

21 “(A) IN GENERAL.—The Secretary shall
22 review at least three years of claims under part
23 B for prostate cancer DNA Specimen Prove-
24 nance Assay tests to identify whether the DNA
25 of the prostate biopsy specimens match the

1 DNA of the individuals diagnosed with prostate
2 cancer.

3 “(B) POSTING ON INTERNET WEBSITE.—
4 Not later than July 1, 2023, the Secretary shall
5 post on the internet website of the Centers for
6 Medicare & Medicaid Services the findings of
7 the review conducted under subparagraph
8 (A).”.

9 (3) COST-SHARING.—Section 1833(a)(1) of the
10 Social Security Act (42 U.S.C. 1395l(a)(1)) is
11 amended—

12 (A) by striking “and (CC)” and inserting
13 “(CC)”; and

14 (B) by inserting before the semicolon at
15 the end the following: “, and (DD) with respect
16 to a prostate cancer DNA Specimen Provenance
17 Assay test (DSPA test) (as defined in section
18 1861(kkk)), the amount paid shall be an
19 amount equal to 80 percent of the lesser of the
20 actual charge for the test or the amount speci-
21 fied under section 1834(x)”.

22 **SEC. 3. AMBULATORY SURGICAL CENTER PAYMENT TRANS-**
23 **PARENCY.**

24 (a) **ADVISORY PANEL ON HOSPITAL OUTPATIENT**
25 **PAYMENT REPRESENTATION.—**

1 (1) ASC REPRESENTATIVE.—The second sen-
2 tence of section 1833(t)(9)(A) of the Social Security
3 Act (42 U.S.C. 1395l(t)(9)(A)) is amended by in-
4 serting “and at least one ambulatory surgical center
5 representative” after “an appropriate selection of
6 representatives of providers”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall apply with respect to advisory
9 panels consulted on or after the date that is 1 year
10 after the date of the enactment of this Act.

11 (b) REASONS FOR EXCLUDING ADDITIONAL PROCE-
12 DURES FROM ASC APPROVED LIST.—Section 1833(i)(1)
13 of the Social Security Act (42 U.S.C. 1395l(i)(1)) is
14 amended by adding at the end the following: “In updating
15 such lists for application in years beginning with the sec-
16 ond year beginning after the date of the enactment of this
17 sentence, for each procedure that was not proposed to be
18 included in such lists in the proposed rule with respect
19 to such lists and that was subsequently requested to be
20 included in such lists during the public comment period
21 with respect to such proposed rule and that is not included
22 in the final rule updating such lists, the Secretary shall
23 cite in such final rule the specific criteria in paragraph
24 (b) or (c) of section 416.166 of title 42, Code of Federal
25 Regulations (or any successor regulation), based on which

1 the procedure was excluded. If paragraph (b) of such sec-
2 tion is cited for exclusion of a procedure, the Secretary
3 shall identify the peer-reviewed research, if any, or the evi-
4 dence upon which such determination is based.”.

5 **SEC. 4. EXCLUSION OF COMPLEX REHABILITATIVE MAN-**
6 **UAL WHEELCHAIRS FROM MEDICARE COM-**
7 **PETITIVE ACQUISITION PROGRAM; NON-AP-**
8 **PLICATION OF MEDICARE FEE-SCHEDULE**
9 **ADJUSTMENTS FOR CERTAIN WHEELCHAIR**
10 **ACCESSORIES AND CUSHIONS.**

11 (a) EXCLUSION OF COMPLEX REHABILITATIVE MAN-
12 UAL WHEELCHAIRS FROM COMPETITIVE ACQUISITION
13 PROGRAM.—Section 1847(a)(2)(A) of the Social Security
14 Act (42 U.S.C. 1395w–3(a)(2)(A)) is amended—

15 (1) by inserting “, complex rehabilitative man-
16 ual wheelchairs (as determined by the Secretary),
17 and certain manual wheelchairs (identified, as of Oc-
18 tober 1, 2018, by HCPCS codes E1235, E1236,
19 E1237, E1238, and K0008 or any successor to such
20 codes)” after “group 3 or higher”; and

21 (2) by striking “such wheelchairs” and insert-
22 ing “such complex rehabilitative power wheelchairs,
23 complex rehabilitative manual wheelchairs, and cer-
24 tain manual wheelchairs”.

1 (b) NON-APPLICATION OF MEDICARE FEE SCHED-
2 ULE ADJUSTMENTS FOR WHEELCHAIR ACCESSORIES AND
3 SEAT AND BACK CUSHIONS WHEN FURNISHED IN CON-
4 NECTION WITH COMPLEX REHABILITATIVE MANUAL
5 WHEELCHAIRS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary of Health and
8 Human Services shall not, during the period begin-
9 ning on January 1, 2020, and ending on December
10 31, 2020, use information on the payment deter-
11 mined under the competitive acquisition programs
12 under section 1847 of the Social Security Act (42
13 U.S.C. 1395w–3) to adjust the payment amount
14 that would otherwise be recognized under section
15 1834(a)(1)(B)(ii) of such Act (42 U.S.C.
16 1395m(a)(1)(B)(ii)) for wheelchair accessories (in-
17 cluding seating systems) and seat and back cushions
18 when furnished in connection with complex rehabili-
19 tative manual wheelchairs (as determined by the
20 Secretary), and certain manual wheelchairs (identi-
21 fied, as of October 1, 2018, by HCPCS codes
22 E1235, E1236, E1237, E1238, and K0008 or any
23 successor to such codes).

1 (2) IMPLEMENTATION.—Notwithstanding any
2 other provision of law, the Secretary may implement
3 this subsection by program instruction or otherwise.

4 **SEC. 5. EXTENSION OF ENFORCEMENT INSTRUCTION ON**
5 **SUPERVISION REQUIREMENTS FOR OUT-**
6 **PATIENT THERAPEUTIC SERVICES IN CRIT-**
7 **ICAL ACCESS AND SMALL RURAL HOSPITALS**
8 **THROUGH 2021.**

9 Section 1 of Public Law 113–198, as amended by sec-
10 tion 1 of Public Law 114–112, section 16004 of Public
11 Law 114–255, and section 51007 of Public Law 115–123,
12 is amended—

13 (1) in the section heading, by striking “**2017**”
14 and inserting “**2021**”; and

15 (2) by striking “and 2017” and inserting “,
16 2017, 2020, and 2021”.

