AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3108 OFFERED BY MR. SMITH OF MISSOURI

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Patient Monitoring Access Act'' or the ''RPM Access Act''.

SEC. 2. PRACTICE EXPENSE INDEX FLOOR.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE AND MALPRACTICE GEOGRAPHIC INDICES FOR REMOTE PHYSIOLOGIC MONITORING SERVICES.—For purposes of payment for remote physiologic monitoring services (as defined in section 1834(bb)(3)) furnished during the period beginning on January 1, 2028, and ending on December 31, 2032, after calculating the practice

expense and malpractice geographic indices in clauses (i) and (ii) of subparagraph (A) and in subparagraph (B), the Secretary shall increase any such index to 1.00 if such index would otherwise be less than 1.00.''.

SEC. 3. ENSURING HIGH-QUALITY REMOTE PHYSIOLOGIC MONITORING SERVICES FOR MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(bb) PAYMENT FOR REMOTE PHYSIOLOGIC MONITORING SERVICES.—

''(1) IN GENERAL.—Beginning January 1, 2028, with respect to remote physiologic monitoring services for which payment is made under the fee schedule established under section 1848(b), payment may only be made for such services if the Secretary determines that—

''(A) the supplier is capable of responding, directly or through a contractor, to any physiologic anomaly detected through the furnishing of such services;

''(B) such services are furnished through a device that is capable of transmitting in real

time all relevant physiologic data in a format that is compatible with electronic health records, as needed; and

''(C) subject to paragraph (2), the supplier collects and reports such data as the Secretary may require for purposes of the report required under section 3(b) of the Rural Patient Monitoring Access Act.

''(2) EXCEPTIONS FOR SMALL PRACTICES.—The Secretary shall specify circumstances under which the Secretary may waive the requirement under paragraph (1)(C) with respect to a supplier that is a small medical practice (as defined by the Secretary).

''(3) REMOTE PHYSIOLOGIC MONITORING SERVICES DEFINED.—In this section, the term 'remote physiologic monitoring services'—

''(A) means non-face-to-face monitoring and analysis of physiologic factors used to understand the health status of an individual; and

''(B) includes the collection and analysis of the physiologic data of an individual for purposes of the treatment or management of a chronic or acute condition.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2031, the Secretary of Health and Human Services shall submit to Congress a report on differences in health outcomes between Medicare beneficiaries furnished remote physiologic monitoring services and similarly situated Medicare beneficiaries that were not furnished such services. Such report shall include the following:

(A) An analysis of claims data submitted with respect to Medicare beneficiaries furnished remote physiologic monitoring services and similarly situated Medicare beneficiaries that were not furnished such services, including, with respect to each such group of Medicare beneficiaries—

(i) the rate of hospital admissions; and

(ii) the average number of days spent as an inpatient after such an admission.

(B) With respect to Medicare beneficiaries furnished remote physiologic monitoring services and to the rate described in clause (i) of subparagraph (A) and the average number of days described in clause (ii) of such subparagraph, an analysis of whether such beneficiaries

were furnished care management services prior to a hospital admission.

(C) An analysis of the demographics and locations of residence of Medicare beneficiaries furnished remote physiologic monitoring services.

(2) DEFINITIONS.—In this subsection:

(A) CARE MANAGEMENT SERVICES.—The term ''care management services'' means remote physiologic monitoring services identified by HCPCS code 99457 (or any successor code).

(B) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title (42 U.S.C. 1395j et seq.).

(C) REMOTE PHYSIOLOGIC MONITORING SERVICES.—The term ''remote physiologic monitoring services'' has the meaning given such term in subsection (bb)(3) of section 1834 of the Social Security Act (42 U.S.C. 1395m).

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