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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

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

Mrs. MCBATH introduced the following bill; which was referred to the Committee on _____

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.

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 “Medicare Hearing Act
5 of 2019”.

1 **SEC. 2. PROVIDING COVERAGE FOR HEARING CARE UNDER**
2 **THE MEDICARE PROGRAM.**

3 (a) PROVISION OF AURAL REHABILITATION AND
4 TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—
5 Section 1861(l)(3) of the Social Security Act (42 U.S.C.
6 1395x(l)(3)) is amended by inserting “(and, beginning
7 January 1, 2022, such aural rehabilitation and treatment
8 services)” after “assessment”.

9 (b) COVERAGE OF HEARING AIDS.—

10 (1) INCLUSION OF HEARING AIDS AS PROS-
11 THETIC DEVICES.—Section 1861(s)(8) of the Social
12 Security Act (42 U.S.C. 1395x(s)(8)) is amended by
13 inserting “, and including hearing aids” before the
14 semicolon at the end.

15 (2) PAYMENT LIMITATIONS FOR HEARING
16 AIDS.—Section 1834(h) of the Social Security Act
17 (42 U.S.C. 1395m(h)) is amended by adding at the
18 end the following new paragraph:

19 “(6) LIMITATIONS FOR HEARING AIDS.—Pay-
20 ment may be made under this part with respect to
21 an individual, with respect to hearing aids—

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

24 “(B) only if such individual has been diag-
25 nosed with profound or severe hearing loss in 1
26 or both ears;

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

6 “(D) only if furnished pursuant to a writ-
7 ten order of a doctor or qualified audiologist (as
8 described in section 1861(l)(5)).”.

9 (3) APPLICATION OF COMPETITIVE ACQUISI-
10 TION.—

11 (A) IN GENERAL.—Section 1834(h)(1)(H)
12 of the Social Security Act (42 U.S.C.
13 1395m(h)(1)(H)) is amended—

14 (i) in the header, by inserting “AND
15 HEARING AIDS” before the semicolon;

16 (ii) by inserting “and of hearing aids
17 described in paragraph (2)(D) of such sec-
18 tion,” after “2009,”; and

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

21 (B) CONFORMING AMENDMENT.—

22 (i) IN GENERAL.—Section 1847(a)(2)
23 of the Social Security Act (42 U.S.C.
24 1395w-3(a)(2)) is amended by adding at
25 the end the following new subparagraph:

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

4 (ii) EXEMPTION OF CERTAIN ITEMS
5 FROM COMPETITIVE ACQUISITION.—Sec-
6 tion 1847(a)(7) of the Social Security Act
7 (42 U.S.C. 1395w-3(a)(7)), as amended
8 by section 2(f)(2), is further amended by
9 adding at the end the following new sub-
10 paragraph:

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

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

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

23 (2) by inserting “, or, with respect to items and
24 services furnished before January 1, 2022, hearing
25 aids or examinations therefor” before the semicolon.

1 **SEC. 3. IMPLEMENTATION FUNDING.**

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