

117TH CONGRESS  
1ST SESSION

# H. R. 5007

To amend titles XVIII and XIX of the Social Security Act to require providers to receive the COVID–19 vaccine upon full approval by the Food & Drug Administration unless an exception applies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2021

Mr. BEYER 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

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to require providers to receive the COVID–19 vaccine upon full approval by the Food & Drug Administration unless an exception applies, and for other purposes.

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 “Protecting Vulnerable  
5       Patients Act”.

1 **SEC. 2. REQUIREMENT AND EXCEPTION UNDER MEDICARE**  
2 **AND MEDICAID TO HAVE RECEIVED THE**  
3 **COVID-19 VACCINE UPON FULL APPROVAL BY**  
4 **THE FOOD & DRUG ADMINISTRATION.**

5 (a) REQUIREMENT TO BE VACCINATED AND EXCEP-  
6 TION.—

7 (1) CONDITION OF PARTICIPATION IN MEDI-  
8 CARE.—Section 1866(a)(1) of the Social Security  
9 Act (42 U.S.C. 1395cc(a)(1)) is amended—

10 (A) in subparagraph (X), by striking at  
11 the end “and”; and

12 (B) in subparagraph (Y)(ii)(V), by striking  
13 the period at the end and inserting “, and”;  
14 and

15 (C) by inserting after subparagraph  
16 (Y)(ii)(V) the following new subparagraph:

17 “(Z)(i) subject to clause (ii), beginning on  
18 the date on which any COVID-19 vaccine is  
19 approved under section 505(b) of the Federal  
20 Food, Drug, and Cosmetic Act, in the case of  
21 a provider of services, to have received any such  
22 vaccine by such date; and

23 “(ii) except in the case of a provider of  
24 services who elects not to receive such vaccine  
25 due to medical necessity or religious beliefs, and  
26 publicly discloses (as determined by the Sec-

1           retary) prior to furnishing services to patients  
2           the COVID–19 vaccination status of the pro-  
3           vider.”.

4           (2) STATE PLAN REQUIREMENT IN MED-  
5           ICAID.—Section 1902(a) of the Social Security Act  
6           (42 U.S.C. 1395a(a)) is amended—

7                   (A) in paragraph (86), by striking at the  
8                   end “and”; and

9                   (B) in paragraph (87)(D), by striking the  
10                  period at the end and inserting “; and”; and

11                  (C) by inserting after paragraph (87)(D)  
12                  the following new paragraph:

13                  “(88)(A) subject to subparagraph (B), begin-  
14                  ning on the date on which any COVID–19 vaccine  
15                  is approved under section 505(b) of the Federal  
16                  Food, Drug, and Cosmetic Act, require that any  
17                  physician or provider participating under the State  
18                  plan to have received any such vaccine by such date;  
19                  and

20                  “(B) except in the case of a physician or pro-  
21                  vider who elects not to receive such vaccine due to  
22                  medical necessity or religious beliefs, and publicly  
23                  discloses (as determined by the Secretary) prior to  
24                  furnishing services to patients the COVID–19 vac-  
25                  cination status of the physician or provider.”.

1 (b) PROHIBITION OF PAYMENT IF NOT VACCINATED  
2 AND EXCEPTION.—

3 (1) MEDICARE.—

4 (A) PART A.—Section 1815 of the Social  
5 Security Act (42 U.S.C. 1395g) is amended by  
6 adding at the end the following new subsection:

7 “(g)(1) Subject to paragraph (2), no payment shall  
8 be made to a provider of services under this title for any  
9 service furnished to an individual by such a provider who,  
10 beginning on the date on which any COVID–19 vaccine  
11 is approved under section 505(b) of the Federal Food,  
12 Drug, and Cosmetic Act, not received such vaccine by such  
13 date.

14 “(2) Paragraph (1) may not apply if a provider of  
15 services elects not to receive such vaccine due to medical  
16 necessity or religious beliefs, and publicly discloses (as de-  
17 termined by the Secretary) prior to furnishing services to  
18 patients the COVID–19 vaccination status of the pro-  
19 vider.”.

20 (B) PART B.—Section 1848 of the Social  
21 Security Act (42 U.S.C. 1395w–20) is amended  
22 by adding at the end the following new sub-  
23 section:

24 “(u) PROHIBITION OF PAYMENT RELATING TO  
25 COVID–19 VACCINE AND EXCEPTION.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2       no payment shall be made to a physician under this  
3       subsection for any service furnished to an individual  
4       by such a provider who, beginning on the date on  
5       which any COVID–19 vaccine is approved under sec-  
6       tion 505(b) of the Federal Food, Drug, and Cos-  
7       metic Act, not received such vaccine by such date.

8           “(2) EXCEPTION.—Paragraph (1) may not  
9       apply if a physician elects not to receive such vaccine  
10      due to medical necessity or religious beliefs, and  
11      publicly discloses (as determined by the Secretary)  
12      prior to furnishing services to patients the COVID–  
13      19 vaccination status of the physician.”.

14           (2) MEDICAID.—Section 1903(i) of the Social  
15      Security Act (42 U.S.C. 1396b(i)) is amended—

16           (A) in paragraph (66), by striking at the  
17      end “or”; and

18           (B) in paragraph (87)(D), by striking the  
19      period at the end and inserting “; or”; and

20           (C) by inserting after paragraph (26) the  
21      following new paragraph:

22           “(27) with respect to any amounts expended for  
23      medical assistance for an individual which is pro-  
24      vided by a physician or provider who has not re-  
25      ceived any COVID–19 vaccine beginning on the date

1       on which such vaccine is approved under section  
2       505(b) of the Federal Food, Drug, and Cosmetic  
3       Act.”.

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