

117TH CONGRESS
1ST SESSION

H. R. 5753

To assist in the transition of a certain hospital to a Medicare rural emergency hospital, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2021

Mr. LUCAS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 assist in the transition of a certain hospital to a Medicare rural emergency hospital, 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 “Helping Account for
5 Rural Medical Outpatient Needs in Oklahoma Act” or the
6 “HARMON Oklahoma Act”.

1 **SEC. 2. ASSISTANCE IN THE TRANSITION OF A CERTAIN**
2 **HOSPITAL TO A MEDICARE RURAL EMER-**
3 **GENCY HOSPITAL.**

4 (a) SPECIAL RULE.—In the case of a critical access
5 hospital (as defined in section 1861(mm) of the Social Se-
6 curity Act (42 U.S.C. 1395x(mm)) with a Centers for
7 Medicare & Medicaid Services certification number of
8 371338, the following shall apply:

9 (1) Pursuant to the June 11, 2021, Centers for
10 Medicare & Medicaid Services letter sent to the crit-
11 ical access hospital—

12 (A) the Secretary of Health and Human
13 Services (referred to in this section as the “Sec-
14 retary”) shall suspend the running of the twen-
15 ty-four month extension mentioned in the Octo-
16 ber 15, 2019, letter to the hospital during the
17 COVID–19 public health emergency; and

18 (B) the hospital shall have 19.7 months
19 after the end of the COVID–19 public health
20 emergency to notify the Centers for Medicare &
21 Medicaid Services of the hospital’s intent to ei-
22 ther convert to an acute care hospital, transi-
23 tion to a rural emergency hospital under section
24 1861(kkk) of the Social Security Act (42
25 U.S.C. 1395x(kkk)) (if the hospital qualifies as
26 such), or terminate as a critical access hospital.

1 (2) Prior to the end of the 19.7 months de-
2 scribed in paragraph (1)(B), the Secretary shall not
3 take an adverse redesignation action with respect to
4 the critical access hospital status of the hospital as
5 long as the hospital continues to meet all of the re-
6 quirements for designation as a critical access hos-
7 pital other than the distance requirement under sec-
8 tion 1820(c)(2)(B)(i) of such Act (42 U.S.C. 1395i-
9 4(c)(2)(B)(i)).

10 (3) If, prior to the end of the 19.7 months de-
11 scribed in paragraph (1)(B), the critical access hos-
12 pital notifies the Secretary of the hospital's intention
13 to transition to a rural emergency hospital, the Sec-
14 retary—

15 (A) shall give priority to the processing of
16 the request for such transition; and

17 (B) shall not take an adverse redesignation
18 action with respect to the critical access hos-
19 pital status of the hospital prior to the later
20 of—

21 (i) the end of the 19.7 months de-
22 scribed in paragraph (1)(B); or

23 (ii) the date the Secretary makes a
24 final determination with respect to such re-
25 quest.

1 (b) TIMELINE FOR REGULATIONS.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) not later than July 1, 2022, promul-
4 gate a proposed rule to carry out the provisions
5 of, and amendments made by, section 125 of di-
6 vision CC of the Consolidated Appropriations
7 Act, 2021 (Public Law 116–260); and

8 (B) not later than November 1, 2022, pro-
9 mulgate a final rule to carry out such provi-
10 sions and amendments.

11 (2) ADDITIONAL INFORMATION.—The Secretary
12 shall ensure that the proposed and final rules re-
13 quired under paragraph (1) contain a description of
14 the additional information that will be required
15 under section 1861(kkk)(4) of the Social Security
16 Act (42 U.S.C. 1395x(kkk)(4)).

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