

117TH CONGRESS
1ST SESSION

H. R. 4263

To amend title XVIII of the Social Security Act to provide for an exception to the definition of an off-campus outpatient department of a provider under the Medicare program for certain departments of a provider if such provider was forced to relocate its campus.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. GOTTHEIMER (for himself and Mr. PASCRELL) 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

A BILL

To amend title XVIII of the Social Security Act to provide for an exception to the definition of an off-campus outpatient department of a provider under the Medicare program for certain departments of a provider if such provider was forced to relocate its campus.

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 “Patient Parity Protec-
5 tion Act of 2021”.

1 **SEC. 2. PROVIDING FOR AN EXCEPTION TO THE DEFINI-**
2 **TION OF AN OFF-CAMPUS OUTPATIENT DE-**
3 **PARTMENT OF A PROVIDER UNDER THE**
4 **MEDICARE PROGRAM TO ACCOUNT FOR**
5 **FORCED CAMPUS RELOCATIONS OF PRO-**
6 **VIDERS.**

7 Section 1833(t)(21)(B) of the Social Security Act (42
8 U.S.C. 1395l(t)(21)(B)) is amended by adding at the end
9 the following new clause:

10 “(ix) EXCEPTION FOR ON-CAMPUS DE-
11 PARTMENTS CONVERTED TO OFF-CAMPUS
12 DEPARTMENTS.—For purposes of para-
13 graph (1)(B)(v) and this paragraph and
14 with respect to applicable items and serv-
15 ices furnished during 2020 or a subsequent
16 year, the term ‘off-campus outpatient de-
17 partment of a provider’ also shall not in-
18 clude a department of a provider (as so de-
19 fined) that is not described in clause (ii)
20 if—

21 “(I) the Secretary receives from
22 the provider an attestation (pursuant
23 to section 413.65(b)(3) of title 42,
24 Code of Federal Regulations) not
25 later than 60 days after the date of
26 the enactment of this clause that such

1 department met the requirements of a
2 department of a provider located on
3 the campus (as defined in such sec-
4 tion 413.65(a)(2)) of such provider or
5 within the distance (described in such
6 definition of campus) from a remote
7 location of a hospital facility (as de-
8 fined in such section 413.65(a)(2))
9 specified in such section 413.65 as of
10 November 1, 2015;

11 “(II) such provider was forced to
12 relocate its campus (as so defined)
13 from the location of such campus as
14 of November 1, 2015, due to such
15 campus’ inability to meet the health
16 care needs of such provider’s patient
17 population, as demonstrated by a cer-
18 tificate of need or equivalent approval
19 document issued by the State agency
20 licensing such provider at such loca-
21 tion; and

22 “(III) the department continues
23 to furnish applicable items and serv-
24 ices at the same address at which

1 such items and services were fur-
2 nished as of November 1, 2015.”.

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