

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide for a permanent extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals.

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IN THE SENATE OF THE UNITED STATES

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Mr. THUNE (for himself and Ms. STABENOW) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To provide for a permanent extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals.

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 “Rural Hospital Regu-  
5       latory Relief Act of 2019”.

1 **SEC. 2. PERMANENT EXTENSION OF ENFORCEMENT IN-**  
2 **STRUCTION ON SUPERVISION REQUIRE-**  
3 **MENTS FOR OUTPATIENT THERAPEUTIC**  
4 **SERVICES IN CRITICAL ACCESS AND SMALL**  
5 **RURAL HOSPITALS.**

6 Section 1834 of the Social Security Act (42 U.S.C.  
7 1395m) is amended by adding at the end the following  
8 new subsection:

9 “(x) PERMANENT EXTENSION OF ENFORCEMENT IN-  
10 STRUCTION ON SUPERVISION REQUIREMENTS FOR OUT-  
11 PATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS  
12 AND SMALL RURAL HOSPITALS.—On and after the date  
13 of the enactment of this subsection, the Secretary shall  
14 continue to apply the enforcement instruction described in  
15 the notice of the Centers for Medicare & Medicaid Services  
16 entitled ‘Enforcement Instruction on Supervision Require-  
17 ments for Outpatient Therapeutic Services in Critical Ac-  
18 cess and Small Rural Hospitals for CY 2013’, dated No-  
19 vember 1, 2012 (providing for an exception to the restate-  
20 ment and clarification under the final rulemaking changes  
21 to the Medicare hospital outpatient prospective payment  
22 system and calendar year 2009 payment rates (published  
23 in the Federal Register on November 18, 2008, 73 Fed.  
24 Reg. 68702 through 68704) with respect to requirements  
25 for direct supervision by physicians for therapeutic hos-  
26 pital outpatient services) and extended by section 1 of

1 Public Law 113–198, section 1 of Public Law 114–112,  
2 section 16004(a) of the 21st Century Cures Act (Public  
3 Law 114–255), and section 51007 of the Bipartisan  
4 Budget Act (Public Law 115–123), and reinstated for cal-  
5 endar years 2018 and 2019 under the final rule entitled  
6 ‘Medicare Program: Hospital Outpatient Prospective Pay-  
7 ment and Ambulatory Surgical Center Payment Systems  
8 and Quality Reporting Programs’ published on December  
9 14, 2017 (82 Fed. Reg. 59216).”.