

118TH CONGRESS
1ST SESSION

H. R. 4375

To amend title XVIII of the Social Security Act to provide coverage of medically necessary home resiliency services under Medicare.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2023

Mr. FROST (for himself, Ms. CLARKE of New York, Ms. JAYAPAL, Ms. NORTON, Ms. WASSERMAN SCHULTZ, and Ms. SEWELL) 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 coverage of medically necessary home resiliency services under Medicare.

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 “Survival Aid For
5 Emergencies through Medicare Act” or the “SAFE
6 through Medicare Act”.

1 **SEC. 2. MEDICARE COVERAGE OF MEDICALLY NECESSARY**
2 **HOME RESILIENCY SERVICES.**

3 (a) **COVERAGE.**—Section 1861 of the Social Security
4 Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) in subparagraph (II), by striking
7 “and” at the end;

8 (B) in subparagraph (JJ), by inserting
9 “and” at the end; and

10 (C) by adding at the end the following new
11 subparagraph:

12 “(KK) in the case of an individual who is medi-
13 cally at-risk in the event of a climate or manmade
14 disaster (as determined by the Secretary in accord-
15 ance with subsection (nnn)), home resiliency services
16 (as defined in such subsection);”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(nnn) **HOME RESILIENCY SERVICES; DETERMINA-**
20 **TION OF INDIVIDUALS MEDICALLY AT-RISK.**—

21 “(1) **HOME RESILIENCY SERVICES.**—The term
22 ‘home resiliency services’ means items and serv-
23 ices—

24 “(A) furnished on or after January 1,
25 2024, to an individual described in subsection
26 (s)(2)(KK); and

1 “(B) that the Secretary determines are
2 medically necessary for such individual in the
3 case of a climate or manmade disaster, such as
4 a heat pump for an individual vulnerable to ex-
5 treme temperatures, solar batteries for an indi-
6 vidual reliant on electrical medical equipment
7 (including home mechanical ventilators), and
8 energy efficient cold-storage for heat-sensitive
9 medical supplies.

10 “(2) DETERMINATION OF INDIVIDUALS MEDI-
11 CALLY AT-RISK.—For purposes of subsection
12 (s)(2)(KK) and this subsection, the Secretary, in
13 consultation with the Office of Climate Change and
14 Health Equity, the National Institutes of Health,
15 the Centers of Medicare & Medicaid Services, and
16 the National Oceanic and Atmospheric Administra-
17 tion, shall establish a process to determine the con-
18 ditions under which an individual would be deter-
19 mined to be medically at-risk in the event of a dis-
20 aster or climate hazards, including extreme heat, ex-
21 treme cold, flooding, and loss of power. Such a proc-
22 ess shall consider—

23 “(A) geography-specific climate risks and
24 regional preparedness for different climate
25 risks;

1 “(B) the regional history of disaster or cli-
2 mate hazards and infrastructure failure in the
3 preceding 20 years or the forward-looking pre-
4 dicted risk of disaster or climate hazards and
5 infrastructure failure in the next 20 years;

6 “(C) medical reliance on equipment, phar-
7 maceuticals, mobility aids, and other supplies
8 that are sensitive to exposure to extreme tem-
9 peratures, poor air quality, flooding and water
10 damage, or dependent on electrical power; and

11 “(D) chronic medical conditions, disabil-
12 ities, and comorbidities that increase patient
13 vulnerability during disaster.”.

14 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
15 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

16 (1) by striking “and” before “(HH)”; and

17 (2) by inserting before the semicolon at the end
18 the following: “and (II) with respect to home resil-
19 iency services described in section 1861(s)(2)(KK),
20 the amount paid shall be an amount equal to 100
21 percent of the lesser of the actual charge for the
22 services or the amount determined under a fee
23 schedule established by the Secretary”.

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