

111TH CONGRESS
1ST SESSION

S. 343

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2009

Mrs. LINCOLN (for herself and Mr. CRAPO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

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 “Medicare Respiratory
5 Therapy Initiative Act of 2009”.

1 **SEC. 2. MEDICARE COVERAGE OF SERVICES OF QUALIFIED**
2 **RESPIRATORY THERAPISTS PERFORMED**
3 **UNDER THE GENERAL SUPERVISION OF A**
4 **PHYSICIAN.**

5 (a) IN GENERAL.—Section 1861 of the Social Secu-
6 rity Act (42 U.S.C. 1395x) is amended—

7 (1) in subsection (s)(2)—

8 (A) by striking “and” at the end of sub-
9 paragraph (DD);

10 (B) by adding “and” at the end of sub-
11 paragraph (EE); and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(FF) respiratory therapy services which would
15 be physicians’ services if furnished by a physician
16 (as defined in subsection (r)(1)) for the diagnosis
17 and treatment of respiratory illnesses and which are
18 performed by a respiratory therapist (as defined in
19 subsection (hhh)) under the general supervision of a
20 physician and which the respiratory therapist is le-
21 gally authorized to perform by the State in which
22 the services are performed, but only if no facility or
23 other provider charges or is paid any amounts with
24 respect to the furnishing of such services.”; and

25 (2) by adding at the end the following new sub-
26 section:

1 “Respiratory Therapist

2 “(hhh) For purposes of subsection (s)(2)(FF) and
3 section 1833(a)(1)(X) only, the term ‘respiratory thera-
4 pist’ means an individual who—

5 “(1) is credentialed by a national credentialing
6 board recognized by the Secretary;

7 “(2)(A) is licensed to practice respiratory ther-
8 apy in the State in which the respiratory therapy
9 services are performed, or

10 “(B) in the case of an individual in a State
11 which does not provide for such licensure, is legally
12 authorized to perform respiratory therapy services
13 (in the State in which the individual performed such
14 services) under State law (or the State regulatory
15 mechanism provided by State law);

16 “(3) is a registered respiratory therapist; and

17 “(4) holds a bachelor’s degree.”.

18 (b) PAYMENT.—Section 1833(a)(1) of such Act (42
19 U.S.C. 1395l(a)(1)) is amended—

20 (1) by striking “and” before “(W)”; and

21 (2) by inserting before the semicolon at the end
22 the following: “(X) with respect to services described
23 in section 1861(s)(2)(FF) (relating to services fur-
24 nished by a respiratory therapist) that are furnished
25 by a respiratory therapist (as defined in section

1 1861(hhh)), the amount paid shall be equal to 80
2 percent of the lesser of the actual charge for the
3 services or 85 percent of the fee schedule amount
4 provided under section 1848 for the same services if
5 furnished by a physician”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to services furnished on or after
8 January 1, 2010.

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