

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 964

To amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia) 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

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## A BILL

To amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services.

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. MEDICARE RECOGNITION OF SERVICES OF**  
4                                   **RESPIRATORY THERAPISTS UNDER A PLAN**  
5                                   **OF CARE FOR HOME HEALTH SERVICES.**

6       (a) IN GENERAL.—Section 1861(m) of the Social Se-  
7 curity Act (42 U.S.C. 1395x(m)) is amended by adding  
8 at the end the following: “For purposes of paragraphs (1)

1 and (2), when respiratory therapy services are furnished  
2 as part-time or intermittent nursing care or physical ther-  
3 apy services under a home health plan of care, a res-  
4 piratory therapist, acting within the therapist's scope of  
5 practice, may furnish such services.”.

6 (b) **NO IMPACT ON PAYMENT.**—The provision of res-  
7 piratory therapy services as part of home health services  
8 under the amendment made by subsection (a) shall not  
9 affect the Low Utilization Payment Adjustment (LUPA),  
10 the outlier adjustment, or the therapy threshold under the  
11 system of prospective payment for home health agencies  
12 under section 1895 of the Social Security Act (42 U.S.C.  
13 1395fff).

14 (c) **EFFECTIVE DATE.**—The amendment made by  
15 subsection (a) shall apply to services furnished on or after  
16 January 1, 2006.

17 **SEC. 2. REPORT ON MEDICARE COVERAGE OF RES-**  
18 **PIRATORY THERAPY SERVICES.**

19 (a) **STUDY.**—The Secretary of Health and Human  
20 Services shall conduct a study on the impact of paying  
21 for the services of respiratory therapists as a separate ben-  
22 efit under part B of title XVIII of the Social Security Act  
23 and as an explicit component of the several benefits under  
24 part A of such title. The Secretary shall include in such

1 study data on the utilization of respiratory therapists  
2 under the amendment made by section 1(a).

3 (b) REPORT.—Not later than 2 years after the date  
4 of the enactment of this Act, the Secretary shall submit  
5 to Congress a report of the findings of the study conducted  
6 under subsection (a).

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