

111TH CONGRESS  
1ST SESSION

# S. 1585

To permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in “Lugar counties”, and for on-call and standby costs for such services.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2009

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in “Lugar counties”, and for on-call and standby costs for such 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 PASS-THROUGH PAYMENTS FOR**  
4       **CRNA SERVICES.**

5       (a) TREATMENT OF CRITICAL ACCESS HOSPITALS AS  
6       RURAL IN DETERMINING ELIGIBILITY FOR CRNA PASS-

1 THROUGH PAYMENTS.—Section 9320(k) of the Omnibus  
 2 Budget Reconciliation Act of 1986 (42 U.S.C. 1395k  
 3 note), as added by section 608(c)(2) of the Family Sup-  
 4 port Act of 1988 and amended by section 6132 of the Om-  
 5 nibus Budget Reconciliation Act of 1989, is amended by  
 6 adding at the end the following:

7           “(3) Any facility that qualifies as a critical ac-  
 8           cess hospital (as defined in section 1861(mm)(1) of  
 9           the Social Security Act) shall be treated as being lo-  
 10          cated in a rural area for purposes of paragraph (1)  
 11          regardless of any geographic reclassification of the  
 12          facility, including such a reclassification of the coun-  
 13          ty in which the facility is located as an urban county  
 14          (also popularly known as a Lugar county) under sec-  
 15          tion 1886(d)(8)(B) of the Social Security Act (42  
 16          U.S.C. 1395ww(d)(8)(B)).”.

17          (b) TREATMENT OF STANDBY AND ON-CALL  
 18 COSTS.—Such section 9320(k), as amended by subsection  
 19 (a), is further amended by adding at the end the following:

20           “(4) In determining the reasonable costs in-  
 21           curred by a hospital or critical access hospital for  
 22           the services of a certified registered nurse anes-  
 23           thetist under this subsection, the Secretary shall in-  
 24           clude standby costs and on-call costs incurred by the

1 hospital or critical access hospital, respectively, with  
2 respect to such nurse anesthetist.”.

3 (c) EFFECTIVE DATES.—

4 (1) TREATMENT OF CAHS AS RURAL IN DETER-  
5 MINING CRNA PASS-THROUGH ELIGIBILITY.—The  
6 amendment made by subsection (a) shall apply to  
7 calendar years beginning on or after the date of the  
8 enactment of this Act (regardless of whether the ge-  
9 ographic reclassification of a critical access hospital  
10 occurred before, on, or after such date).

11 (2) INCLUSION OF STANDBY COSTS AND ON-  
12 CALL COSTS IN DETERMINING REASONABLE COSTS  
13 OF CRNA SERVICES.—The amendment made by sub-  
14 section (b) shall apply to costs incurred in cost re-  
15 porting periods beginning in fiscal years after fiscal  
16 year 2003.

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