

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4618  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Hearing Act  
3 of 2019”.

**4 SEC. 2. PROVIDING COVERAGE FOR HEARING CARE UNDER  
5 THE MEDICARE PROGRAM.**

6 (a) PROVISION OF AURAL REHABILITATION AND  
7 TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—  
8 Section 1861(l)(3) of the Social Security Act (42 U.S.C.  
9 1395x(l)(3)) is amended by inserting “(and, beginning  
10 January 1, 2022, such aural rehabilitation and treatment  
11 services)” after “assessment services”.

12 (b) COVERAGE OF HEARING AIDS.—

13 (1) INCLUSION OF HEARING AIDS AS PROS-  
14 THETIC DEVICES.—Section 1861(s)(8) of the Social  
15 Security Act (42 U.S.C. 1395x(s)(8)) is amended by  
16 inserting “, and including hearing aids furnished on  
17 or after January 1, 2022, to individuals diagnosed

1 with profound or severe hearing loss” before the  
2 semicolon at the end.

3 (2) PAYMENT LIMITATIONS FOR HEARING  
4 AIDS.—Section 1834(h) of the Social Security Act  
5 (42 U.S.C. 1395m(h)) is amended by adding at the  
6 end the following new paragraph:

7 “(6) LIMITATIONS FOR HEARING AIDS.—Pay-  
8 ment may be made under this part with respect to  
9 an individual, with respect to hearing aids furnished  
10 on or after January 1, 2022—

11 “(A) not more than once during any 5-year  
12 period;

13 “(B) only for types of such hearing aids  
14 that are not over-the-counter hearing aids (as  
15 defined in section 520(q)(1) of the Federal  
16 Food, Drug, and Cosmetic Act) and that are  
17 determined appropriate by the Secretary; and

18 “(C) only if furnished pursuant to a writ-  
19 ten order of a physician or qualified audiologist  
20 (as described in section 1861(l)(4)(B)).”.

21 (3) APPLICATION OF COMPETITIVE ACQUISI-  
22 TION.—

23 (A) IN GENERAL.—Section 1834(h)(1)(H)  
24 of the Social Security Act (42 U.S.C.  
25 1395m(h)(1)(H)) is amended—

1 (i) in the header, by inserting “AND  
2 HEARING AIDS” before the semicolon;

3 (ii) by inserting “and of hearing aids  
4 described in paragraph (2)(D) of such sec-  
5 tion,” after “2009,”; and

6 (iii) in clause (i), by inserting “or  
7 such hearing aids” after “such orthotics”.

8 (B) CONFORMING AMENDMENT.—

9 (i) IN GENERAL.—Section 1847(a)(2)  
10 of the Social Security Act (42 U.S.C.  
11 1395w–3(a)(2)) is amended by adding at  
12 the end the following new subparagraph:

13 “(D) HEARING AIDS.—Hearing aids for  
14 which payment would otherwise be made under  
15 section 1834(h).”.

16 (ii) EXEMPTION OF CERTAIN ITEMS  
17 FROM COMPETITIVE ACQUISITION.—Sec-  
18 tion 1847(a)(7) of the Social Security Act  
19 (42 U.S.C. 1395w–3(a)(7)), as amended  
20 by section 2(f)(2), is further amended by  
21 adding at the end the following new sub-  
22 paragraph:

23 “(C) CERTAIN HEARING AIDS.—Those  
24 items and services described in paragraph  
25 (2)(D) if furnished by a physician or other

1 practitioner (as defined by the Secretary) to the  
2 physician's or practitioner's own patients as  
3 part of the physician's or practitioner's profes-  
4 sional service.”.

5 (4) INCLUSION OF AUDIOLOGISTS AS CERTAIN  
6 PRACTITIONERS TO RECEIVE PAYMENT ON AN AS-  
7 SIGNMENT-RELATED BASIS.—Section  
8 1842(b)(18)(C) of the Social Security Act (42  
9 U.S.C. 1395u(b)(18)(C)) is amended by adding at  
10 the end the following new clause:

11 “(vii) With respect to 2022 and each  
12 subsequent year, a qualified audiologist (as  
13 defined in section 1861(ll)(3)(B)).”.

14 (c) EXCLUSION MODIFICATION.—Section 1862(a)(7)  
15 of the Social Security Act (42 U.S.C. 1395y(a)(7)) is  
16 amended by inserting “(except such hearing aids or exami-  
17 nations as described in and otherwise allowed under sec-  
18 tion 1861(s)(8))” after “hearing aids or examinations  
19 therefor”.

20 **SEC. 3. IMPLEMENTATION FUNDING.**

21 The Secretary of Health and Human Services shall  
22 provide for the transfer from the Federal Supplementary  
23 Medical Insurance Trust Fund under section 1841 of the  
24 Social Security Act (42 U.S.C. 1395t) to the Centers for  
25 Medicare & Medicaid Services Program Management Ac-

1 count for the period of 2020 through 2024 of such sums  
2 as may be necessary for purposes of implementing the  
3 amendments made by section 2.

4 **SEC. 4. REPORT.**

5 (a) REPORT.—Not later than the date that is 2 years  
6 after the date of the enactment of the Medicare Hearing  
7 Act of 2019, the Inspector General of the Department of  
8 Health and Human Services shall—

9 (1) determine the feasibility of qualified audiologists  
10 (as defined in paragraph (4)(B) of 1861(ll) of  
11 the Social Security Act (42 U.S.C. 1395x(ll))) fur-  
12 nishing audiology services (as defined in paragraph  
13 (3) of such section) to individuals entitled to benefits  
14 under part A of title XVIII of such Act (42 U.S.C.  
15 1395c et seq.) and enrolled for benefits under part  
16 B of such title (42 U.S.C.1395j et seq.) without  
17 such individuals being referred by a physician (as  
18 defined in section 1861(r) of such Act (42 U.S.C.  
19 1395x(r))) or practitioner (as described in section  
20 1842(b)(18)(C) of such Act (42 U.S.C.  
21 1395u(b)(18)(C))) to qualified audiologists; and

22 (2) submit to the Secretary of Health and  
23 Human Services a report on the feasibility of the re-  
24 ferral described in paragraph (1) and any program

1 integrity or overutilization concerns with respect to  
2 such referral.

3 (b) REGULATIONS.—The Secretary of Health and  
4 Human Services may promulgate regulations to allow au-  
5 diologists to furnish audiology services without a referral  
6 from a physician or practitioner, consistent with the find-  
7 ings submitted to the Secretary pursuant to subsection  
8 (a)(2).

