

117TH CONGRESS  
2D SESSION

# S. 2834

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## AN ACT

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dr. Joanne Smith Me-  
3 morial Rehabilitation Innovation Centers Act of 2022”.

4 **SEC. 2. PRESERVING ACCESS TO REHABILITATION INNOVA-  
5 TION CENTERS UNDER MEDICARE.**

6 (a) **IN GENERAL.**—Section 1886(j)(7)(E) of the So-  
7 cial Security Act (42 U.S.C. 1395ww(j)(7)(E)) is amend-  
8 ed—

9 (1) by striking “PUBLIC AVAILABILITY OF DATA  
10 SUBMITTED.—The” and inserting “PUBLIC AVAIL-  
11 ABILITY OF DATA SUBMITTED.—

12 “(i) **IN GENERAL.**—The”; and

13 (2) by inserting after clause (i), as redesignated  
14 by paragraph (1), the following new clauses:

15 “(ii) **PUBLIC RECOGNITION OF REHA-  
16 BILITATION INNOVATION CENTERS.**—Be-  
17 ginning not later than 18 months after the  
18 date of the enactment of this clause, the  
19 Secretary shall make publicly available on  
20 such Internet website, in addition to the  
21 information required to be reported on  
22 such website under clause (i), a list of all  
23 rehabilitation innovation centers, and shall  
24 update such list on such website not less  
25 frequently than biennially.

1                   “(iii) REHABILITATION INNOVATION  
 2                   CENTERS DEFINED.—For purposes of  
 3                   clause (ii), the term ‘rehabilitation innova-  
 4                   tion centers’ means a rehabilitation facility  
 5                   that, as of the applicable date (as defined  
 6                   in clause (v)), is a rehabilitation facility  
 7                   described in clause (iv).

8                   “(iv) REHABILITATION FACILITY DE-  
 9                   SCRIBED.—

10                   “(I) IN GENERAL.—Subject to  
 11                   subclause (II), a rehabilitation facility  
 12                   described in this clause is a rehabilita-  
 13                   tion facility that—

14                   “(aa) is classified as a reha-  
 15                   bilitation facility under the IRF  
 16                   Rate Setting File for the Inpa-  
 17                   tient Rehabilitation Facility Pro-  
 18                   spective Payment System for  
 19                   Federal Fiscal Year 2019 (83  
 20                   Fed. Reg. 38514), or any suc-  
 21                   cessor regulations that contain  
 22                   such information;

23                   “(bb) holds at least one  
 24                   Federal rehabilitation research  
 25                   and training designation for re-

1 search projects on traumatic  
2 brain injury or spinal cord injury  
3 from the National Institute on  
4 Disability, Independent Living,  
5 and Rehabilitation Research at  
6 the Department of Health and  
7 Human Services, based on such  
8 data submitted to the Secretary  
9 by a facility, in a form, manner,  
10 and time frame specified by the  
11 Secretary;

12 “(cc) submits to the Sec-  
13 retary a description of the clin-  
14 ical research enterprise of the fa-  
15 cility and a summary of research  
16 activities of the facility that are  
17 supported by Federal agencies;

18 “(dd) has a minimum Medi-  
19 care estimated average weight  
20 per discharge of 1.20 for the  
21 most recent fiscal year for which  
22 such information is available ac-  
23 cording to the IRF Rate Setting  
24 File described in item (aa), or

1 any successor regulations that  
2 contain such information; and

3 “(ee) has a minimum teach-  
4 ing status of 0.075 for the most  
5 recent fiscal year for which such  
6 information is available according  
7 to the IRF Rate Setting File de-  
8 scribed in item (aa), or any suc-  
9 cessor regulations that contain  
10 such information.

11 “(II) WAIVER.—The Secretary  
12 may, as determined appropriate, waive  
13 any of the requirements under items  
14 (aa) through (ee) of subclause (I).

15 “(v) APPLICABLE DATE DEFINED.—  
16 For purposes of clauses (iii) and (iv), the  
17 term ‘applicable date’ means—

18 “(I) with respect to the initial  
19 publication of a list under clause (ii),  
20 the date of the enactment of such  
21 clause; and

22 “(II) with respect to the publica-  
23 tion of an updated list under clause  
24 (ii), a date specified by the Secretary

1                   that is not more than one year prior  
2                   to the date of such publication.

3                   “(vi) IMPLEMENTATION.—Notwith-  
4                   standing any other provision of law the  
5                   Secretary may implement clauses (ii)  
6                   through (v) by program instruction or oth-  
7                   erwise.

8                   “(vii) NONAPPLICATION OF PAPER-  
9                   WORK REDUCTION ACT.—Chapter 35 of  
10                  title 44, United States Code, shall not  
11                  apply to data collected under clauses (ii)  
12                  through (v).”.

13                  (b) REPORT.—Not later than 3 years after the date  
14 of the enactment of this Act, the Secretary of Health and  
15 Human Services—

16                  (1) shall submit to Congress a report con-  
17                  taining any recommendations on action as the Sec-  
18                  retary determines appropriate to preserve access to  
19                  rehabilitation innovation centers (as defined in sec-  
20                  tion 1886(j)(7)(E)(iii) of the Social Security Act, as  
21                  added by subsection (a)); and

22                  (2) may, in the report described in paragraph  
23                  (1), as permitted by law, disseminate research, best  
24                  practices, and other clinical information identified or

- 1 developed by such rehabilitation innovation centers,
- 2 as determined appropriate by the Secretary.

Passed the Senate December 8, 2022.

Attest:

*Secretary.*

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