

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

# H. R. 818

To amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. CONYERS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mrs. MCCARTHY, Mr. McNULTY, Mr. GARY G. MILLER of California, Mr. NADLER, Mr. ROYCE, Mr. SANDERS, Mr. SCHIFF, Mr. TOWNS, Mr. WAXMAN, Mr. WOLF, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Government Reform, 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 provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits 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 “Federal Acupuncture  
3 Coverage Act of 2005”.

4 **SEC. 2. COVERAGE OF ACUPUNCTURIST SERVICES UNDER**  
5 **MEDICARE.**

6 (a) IN GENERAL.—Section 1861(s)(2) of the Social  
7 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

8 (1) by striking “and” at the end of subpara-  
9 graph (Y);

10 (2) by inserting “and” at the end of subpara-  
11 graph (Z); and

12 (3) by adding at the end the following new sub-  
13 paragraph:

14 “(AA) qualified acupuncturist services (as de-  
15 fined in subsection (bbb)); and”.

16 (b) SERVICES DESCRIBED.—Section 1861 of the So-  
17 cial Security Act (42 U.S.C. 1395x) is amended by adding  
18 at the end the following new subsection:

19 “Qualified Acupuncturist Services

20 “(bbb)(1) The term ‘qualified acupuncturist services’  
21 means such services furnished by a qualified acupuncturist  
22 (as defined in paragraph (2)) and such services and sup-  
23 plies furnished as an incident to services furnished by the  
24 qualified acupuncturist which the qualified acupuncturist  
25 is legally authorized to perform under State law (or the  
26 State regulatory mechanism provided by State law).

1       “(2) The term ‘qualified acupuncturist’ means an in-  
2       dividual who has been certified, licensed, or registered as  
3       an acupuncturist by a State (or the State regulatory  
4       mechanism provided by State law).”.

5       (c) PAYMENT RULES.—

6           (1) DETERMINATION OF AMOUNT OF PAY-  
7       MENT.—Section 1833(a)(1) of the Social Security  
8       Act (42 U.S.C. 1395l(a)(1)) is amended—

9           (A) by striking “and” before “(V)”; and

10          (B) by inserting before the semicolon at  
11       the end the following: “, and (W) with respect  
12       to qualified acupuncturist services described in  
13       section 1861(s)(2)(AA), the amounts paid shall  
14       be the amount determined by a fee schedule es-  
15       tablished by the Secretary for purposes of this  
16       clause (but in no event shall such amount ex-  
17       ceed the fee schedule amount provided under  
18       section 1848 for the same service performed by  
19       a physician);”.

20          (2) SEPARATE PAYMENT FOR SERVICES OF IN-  
21       STITUTIONAL PROVIDERS.—Section 1833(a)(2)(B)  
22       of such Act (42 U.S.C. 1395l(a)(2)(B)) is amended,  
23       in clauses (i) and (ii), by inserting “and in the case  
24       of qualified acupuncturist services furnished at any  
25       time” after “1999,” each place it appears.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section apply to services furnished on or after Janu-  
3 ary 1, 2006.

4 **SEC. 3. COVERAGE OF ACUPUNCTURIST SERVICES UNDER**  
5 **FEDERAL EMPLOYEES HEALTH BENEFIT**  
6 **PLANS.**

7 (a) IN GENERAL.—Section 8902(k)(1) of title 5,  
8 United States Code, is amended by inserting  
9 “acupuncturist,” after “nurse midwife,” each place it ap-  
10 pears.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) applies with respect to services provided on  
13 or after January 1, 2006.

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