

H.R. 7292 Medicare Loan Forgiveness

Amends Title XVIII of the Social Security Act to provide for forgiveness of certain accelerated and advanced payments under Parts A and B of the Medicare Program.

Section 1 – Title

Section 2(a) – Forgiveness of Payments.

Part A - For accelerated payments made to a hospital after the date of enactment of the CARES Act (March 27, 2020) and during the COVID-19 public health emergency period, the Secretary shall waive the requirement that the accelerated payment be repaid (or recouped) when the hospital:

- did not use any portion of such payment for compensation or benefits, including salary, bonuses, awards of stock, or other financial benefits, for an officer or employee whose compensation exceeded \$3M in calendar year 2019; and
- used at least 60% of such payment for employee compensation (other than officer or employee described above) during the period beginning January 1, 2020 through June 30, 2021; and
- did not balance bill or surprise bill any COVID-19 patient.

This waiver shall not apply to any amounts that were not used for COVID-19 losses or expenses of the hospital as of June 30, 2021, based on the hospital's attestation. Any such amounts are to be repaid to the Secretary no later than July 1, 2023. The interest rate for any amount not paid by that date shall be 2% if the hospital demonstrates hardship.

Part B – For advanced payments made to suppliers furnishing items or services under Part B after the date of the enactment of the CARES Act (March 27, 2020) and during the COVID-19 public health emergency period, the Secretary shall waive the requirement that such payment be repaid (or recouped) when the entity:

- did not use any portion of such payment for compensation or benefits, including salary, bonuses, awards of stock, or other financial benefits, for an officer or employee whose compensation exceeded \$3M in calendar year 2019; and
- used at least 60% of such payment for employee compensation (other than officer or employee described above) during the period beginning January 1, 2020 through June 30, 2021; and
- did not balance bill or surprise bill any COVID-19 patient.

This waiver shall not apply to any amounts that were not used for COVID-19 losses or expenses of the **entity** as of June 30, 2021, based on the entity's attestation. Any such amounts are to be repaid to the Secretary no later than July 1, 2023. The interest rate for any amount not so repaid by that date shall be 2% if the entity demonstrates hardship.

Section 2 (b) – Ensuring the Solvency of Medicare Trust Funds

- (1) Amends the Federal Hospital Insurance Trust Fund, Section 1817 of the Social Security Act (42 U.S.C. 1395i), by adding the following:
 - (l) Accelerated Payment Program Transfers – transfers from the General Fund of the Treasury to the Trust Fund amounts that equal the total amount of accelerated payment transfers made during the COVID-19 public health emergency to inpatient acute care hospitals, children’s hospitals, hospitals involved in the extensive treatment or research of cancer and critical access hospitals.
- (2) Amends the Federal Supplementary Medical Insurance Trust Fund, Section 1841 of the Social Security Act (42 U.S.C. 1395t) by adding the following:
 - (j) Advance Payment Program Transfers – transfers from the General Fund of the Treasury to the Trust Fund amounts that equal the total amount of Advanced Payments to Suppliers Furnishing Items or Services under Part B made during the COVID-19 public health emergency.

Section 2 (c) Insurer Requirements

Adds coverage and payment requirements for items and services furnished to a COVID-19 patient who is enrolled in a group health plan or group or individual health insurance coverage offered by a health insurance issuer where the provider is out-of-network.

The plan or issuer shall pay out-of-network providers the amount that would have been payable to the provider had the providers been in network and shall ensure that any applicable cost-sharing requirement be the same as if the providers had been in-network.

Section 2(d) Publication

Requires HHS to publish on a public website each hospital and entity receiving forgiveness of these payments and the amount forgiven.