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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To adjust the cost pass-through for certified registered nurse anesthetists
under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Ms. DAVIDS of Kansas introduced the following bill; which was referred to the
Committee on _____

A BILL

To adjust the cost pass-through for certified registered nurse
anesthetists 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rural Surgery Sustain-
5 ability Act of 2026”.

1 **SEC. 2. ADJUSTING THE COST PASS-THROUGH FOR CER-**
2 **TIFIED REGISTERED NURSE ANESTHETISTS**
3 **UNDER THE MEDICARE PROGRAM.**

4 (a) IN GENERAL.—Section 9320(k) of the Omnibus
5 Budget Reconciliation Act of 1986, as added by section
6 608(c) of the Family Support Act of 1988 and as amended
7 by section 6132 of the Omnibus Budget Reconciliation Act
8 of 1989, is amended—

9 (1) in paragraph (2)—

10 (A) by striking “500” and inserting
11 “1,250”; and

12 (B) by adding at the end the following new
13 sentence: “The preceding sentence shall not
14 apply to a hospital for a year in the case such
15 hospital has an active labor and delivery unit
16 during such year.”.

17 (2) by adding at the end the following new
18 paragraphs:

19 “(4) The Secretary shall, not less frequently
20 than once every 2 years and in consultation with the
21 American Association of Nurse Anesthetists, review
22 the limit on the volume of surgical procedures appli-
23 cable under paragraph (2) and the limit on the total
24 number of hours of service furnished by anesthetists
25 under section 412.113(c)(2)(i)(B) of title 42, Code
26 of Federal Regulations (or a successor regulation)

1 and update such limits to reflect any general in-
2 crease in the frequency of furnishing such proce-
3 dures, including any such increase attributable to
4 new procedures.

5 “(5) Notwithstanding paragraph (3), in apply-
6 ing any limit on payment for services furnished dur-
7 ing a year payable on a reasonable cost basis pursu-
8 ant to this subsection, the Secretary shall set such
9 limit at an amount equal to the limit on such pay-
10 ment that would have applied to such services if fur-
11 nished in the preceding year, increased by the per-
12 centage increase in the MEI (as defined in section
13 1842(i)(3) of the Social Security Act) for such year.

14 “(6) The Secretary shall revise section
15 412.113(c)(2)(i)(B) of title 42, Code of Federal
16 Regulations (or a successor regulation) to ensure
17 that, for 2027 and each subsequent year, no limit on
18 the total number of hours of service furnished by an-
19 esthetists applies in the case of a hospital that has
20 an active labor and delivery unit during such year.”.

21 (b) REVISION OF NUMBER OF HOURS LIMIT.—The
22 Secretary of Health and Human Services shall revise the
23 limit on the total number of hours of service furnished
24 by anesthetists applicable under section
25 412.113(c)(2)(i)(B) of title 42, Code of Federal Regula-

tion, for services furnished on or after January 1, 2027,
in a manner that reflects the increase in the limit on the
volume of surgical procedures provided under the amend-
ment made by subsection (a)(1).

(c) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Medicare Payment Advi-
sory Commission shall submit to Congress a report on—

(1) including on-call certified registered nurse
anesthetist services as services payable pursuant to
section 9320(k) of the Omnibus Budget Reconcili-
ation Act of 1986; and

(2) potential sustainable payment modifications
for services payable pursuant to such section.

(d) EFFECTIVE DATE.—The amendments made by
subsection (a) shall apply with respect to services fur-
nished on or after January 1, 2027.