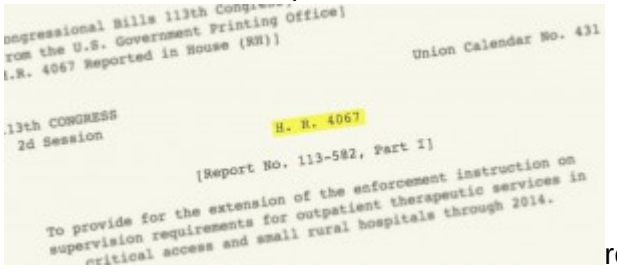
CMS Hospital Supervision Requirements Delayed After Passage of House Bill

The U.S. House of Representatives have taken the first step towards providing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rom the U.S. Government Printing Office]
.R. 4067 Reported in House (RH)]

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H. R. 4067

[Report No. 113-582, Part I]

To provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2014.

relief to health care providers from CMS rules. Under existing rules all hospitals, including critical-access hospitals and rural hospitals, must have a doctor or non-physician practitioner immediately available during any time a hospital provides outpatient therapeutic services. The doctor is not required to be in the room, but they must be close enough to intervene if a problem were to arise. This rule has caused many hospitals to complain about compliance, especially critical-access hospitals and rural hospitals that experience greater burdens and costs associated with compliance. **HR 4067** To alleviate some of these problems, Kansas Representative Lynn Jenkins sponsored a bill in the U.S. House of Representatives (H.R. 4067) to allow all hospitals to delay compliance with the supervision rule through calendar year 2014. The House passed the bill on September 12, 2014, and commentators expect the Senate (which passed a similar bill in February 2014) to review and pass the bill and subsequently send the bill to President Obama for his approval and signature. Many practices and also the American Hospital Association, which wrote a memo expressing support for this bill, view the bill favorably. This is also not the first time enforcement has been delayed. Rather, it has been delayed several times since the Centers for Medicare and Medicaid Services (CMS) brought the rule up in its 2009 outpatient payment rule. CMS argues that the rule is important and provides a safer level of care, especially emergency care, but Congress seems to agree that the burdens on hospitals and practices are too high right now. **Continued Compliance** With health care laws in constant change, compliance is often complicated. However, our Kansas and Missouri based Health Care Attorneys can help your hospital or practice remain compliant with the law. If you have questions about your compliance, please contact one of our Health Care Attorneys today. **This article is very general in nature and does not constitute legal advice. Readers with legal questions should consult with an attorney prior to making any legal decisions.*