118TH CONGRESS
1ST SESSION

S. ______

To amend title XVIII of the Social Security Act to provide coverage of medically necessary home resiliency services under Medicare.

IN THE SENATE OF THE UNITED STATES

Mr. Markey introduced the following bill; which was read twice and referred to the Committee on ___________________.

A BILL

To amend title XVIII of the Social Security Act to provide coverage of medically necessary home resiliency services under Medicare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Survival Aid For Emergencies through Medicare Act” or the “SAFE through Medicare Act”.

SEC. 2. MEDICARE COVERAGE OF MEDICALLY NECESSARY HOME RESILIENCY SERVICES.

(a) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—
(1) in subsection (s)(2)—

(A) in subparagraph (II), by striking “and” at the end;

(B) in subparagraph (JJ), by inserting “and” at the end; and

(C) by adding at the end the following new subparagraph:

“(KK) in the case of an individual who is medically at-risk in the event of a climate or manmade disaster (as determined by the Secretary in accordance with subsection (nnn)), home resiliency services (as defined in such subsection);”;

(2) by adding at the end the following new subsection:

“(nnn) HOME RESILIENCY SERVICES; DETERMINATION OF INDIVIDUALS MEDICALLY AT-RISK.—

“(1) HOME RESILIENCY SERVICES.—The term ‘home resiliency services’ means items and services—

“(A) furnished on or after January 1, 2024, to an individual described in subsection (s)(2)(KK); and

“(B) that the Secretary determines are medically necessary for such individual in the case of a climate or manmade disaster, such as
a heat pump for an individual vulnerable to extreme temperatures, solar batteries for an individual reliant on electrical medical equipment (including home mechanical ventilators), and energy efficient cold-storage for heat-sensitive medical supplies.

“(2) Determination of individuals medically at-risk.—For purposes of subsection (s)(2)(KK) and this subsection, the Secretary, in consultation with the Office of Climate Change and Health Equity, the National Institutes of Health, the Centers of Medicare & Medicaid Services, and the National Oceanic and Atmospheric Administration, shall establish a process to determine the conditions under which an individual would be determined to be medically at-risk in the event of a disaster or climate hazards, including extreme heat, extreme cold, flooding, and loss of power. Such a process shall consider—

“(A) geography-specific climate risks and regional preparedness for different climate risks;

“(B) the regional history of disaster or climate hazards and infrastructure failure in the preceding 20 years or the forward-looking pre-
dicted risk of disaster or climate hazards and infrastructure failure in the next 20 years;

“(C) medical reliance on equipment, pharmaceuticals, mobility aids, and other supplies that are sensitive to exposure to extreme temperatures, poor air quality, flooding and water damage, or dependent on electrical power; and

“(D) chronic medical conditions, disabilities, and comorbidities that increase patient vulnerability during disaster.”.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and” before “(III)”; and

(2) by inserting before the semicolon at the end the following: “and (II) with respect to home resiliency services described in section 1861(s)(2)(KK), the amount paid shall be an amount equal to 100 percent of the lesser of the actual charge for the services or the amount determined under a fee schedule established by the Secretary”.