

116TH CONGRESS
2D SESSION

S. _____

To amend title XVIII of the Social Security Act to waive limitations on expansion of facility capacity under rural provider and hospital exception to ownership or investment prohibition during coronavirus 2020 emergency period.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ (for himself and Mr. CORNYN) 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 waive limitations on expansion of facility capacity under rural provider and hospital exception to ownership or investment prohibition during coronavirus 2020 emergency period.

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 “Creating Capacity for
5 Communities in Need Act”.

1 **SEC. 2. WAIVER OF LIMITATIONS ON EXPANSION OF FACIL-**
2 **ITY CAPACITY UNDER RURAL PROVIDER AND**
3 **HOSPITAL EXCEPTION TO OWNERSHIP OR IN-**
4 **VESTMENT PROHIBITION DURING**
5 **CORONAVIRUS 2020 EMERGENCY PERIOD.**

6 Section 1877(i)(1)(B) of the Social Security Act (42
7 U.S.C. 1395nn(i)(1)(B)) is amended—

8 (1) by striking “CAPACITY.—Except as provided
9 in paragraph (3), the number” and inserting “CA-
10 PACITY”.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in paragraph (3) and subject to
13 clause (ii), the number”; and

14 (2) by adding at the end the following new
15 clause:

16 “(ii) EXCEPTION DURING
17 CORONAVIRUS 2020 EMERGENCY PERIOD.—

18 “(I) IN GENERAL.—The limita-
19 tion under clause (i) shall not apply
20 with respect to any increase in the
21 number of operating rooms, procedure
22 rooms, or beds for which a hospital is
23 licensed during the coronavirus 2020
24 emergency period, or for which the
25 hospital begins construction during
26 the coronavirus 2020 emergency pe-

1 riod regardless of whether the hospital
2 is an applicable hospital (as defined in
3 paragraph (3)(E)) or is a high Med-
4 icaid facility described in paragraph
5 (3)(F), and the hospital’s baseline
6 number of operating rooms, procedure
7 rooms, and beds for purposes of com-
8 pliance with this subparagraph shall
9 be automatically modified to reflect
10 such increase on a permanent basis.

11 “(II) CORONAVIRUS 2020 EMER-
12 GENCY PERIOD DEFINED.—For pur-
13 poses of this clause, the ‘coronavirus
14 2020 emergency period’ is the period
15 beginning on March 13, 2020, and
16 ending on the last day on which the
17 emergency declared by the President
18 under section 501 of the Robert T.
19 Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C.
21 5191) with respect to SARS-COV-2
22 and coronavirus disease 2019 (abbrev-
23 viated as COVID-19) is in effect.”.