

117TH CONGRESS
2D SESSION

H. R. 8850

To amend title XVIII of the Social Security Act to require as a condition of satisfying the definition of an approved medical residency training program for purposes of payments under Medicare for costs related to graduate medical education for hospitals operating such a program to submit information to encourage more equitable treatment of osteopathic and allopathic candidates in the residency application and review process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Mrs. HARSHBARGER (for herself, Ms. PINGREE, and Mr. GRAVES of Missouri) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to require as a condition of satisfying the definition of an approved medical residency training program for purposes of payments under Medicare for costs related to graduate medical education for hospitals operating such a program to submit information to encourage more equitable treatment of osteopathic and allopathic candidates in the residency application and review process, and for other purposes.

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 “Fair Access In Resi-
5 dency Act” or the “FAIR Act”.

6 **SEC. 2. ENCOURAGING MORE EQUITABLE TREATMENT OF**
7 **OSTEOPATHIC AND ALLOPATHIC CAN-**
8 **DIDATES IN RESIDENCY APPLICATION AND**
9 **REVIEW PROCESS.**

10 (a) IN GENERAL.—Section 1886(h)(5)(A) of the So-
11 cial Security Act (42 U.S.C. 1395ww(h)(5)(A)) is amend-
12 ed by adding at the end the following: “Such term shall
13 not include a program operated by a hospital, with respect
14 to a year (beginning with 2023), unless such hospital sub-
15 mits to the Secretary for such year—

16 “(i) the number of applicants for resi-
17 dency in such program who are from osteo-
18 pathic medical schools and the number
19 who are from allopathic medical schools;

20 “(ii) the number of such applicants
21 who were accepted into such program from
22 each of such types of medical school; and

23 “(iii) an affirmation that—

24 “(I) the hospital accepts appli-
25 cants for such program from both os-

1 teopathic and allopathic medical
2 schools; and

3 “(II) if an examination score is
4 required for acceptance in such pro-
5 gram, the Comprehensive Osteopathic
6 Medical Licensing Examination of the
7 United States (COMLEX–USA) and
8 the United States Medical Licensing
9 Examination (USMLE) are equally
10 accepted.”.

11 (b) PUBLICATION.—The Secretary of Health and
12 Human Services shall publish on a public website the in-
13 formation described in clauses (i) and (ii) of section
14 1886(h)(5)(A) of the Social Security Act, and the affirma-
15 tion described in clause (iii) of such section, submitted by
16 each approved medical residency training program for
17 each year (beginning with 2023).

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