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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend titles XVIII and XIX of the Social Security Act to require providers to receive the COVID–19 vaccine upon full approval by the Food & Drug Administration unless an exception applies, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend titles XVIII and XIX of the Social Security Act to require providers to receive the COVID–19 vaccine upon full approval by the Food & Drug Administration unless an exception applies, 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,*

1 **SECTION 1. REQUIREMENT AND EXCEPTION UNDER MEDI-**  
2 **CARE AND MEDICAID TO HAVE RECEIVED**  
3 **THE COVID-19 VACCINE UPON FULL AP-**  
4 **PROVAL BY THE FOOD & DRUG ADMINISTRA-**  
5 **TION.**

6 (a) REQUIREMENT TO BE VACCINATED AND EXCEP-  
7 TION.—

8 (1) CONDITION OF PARTICIPATION IN MEDI-  
9 CARE.—Section 1866(a)(1) of the Social Security  
10 Act (42 U.S.C. 1395cc(a)(1)) is amended—

11 (A) in subparagraph (X), by striking at  
12 the end “and”; and

13 (B) in subparagraph (Y)(ii)(V), by striking  
14 the period at the end and inserting “, and”;  
15 and

16 (C) by inserting after subparagraph  
17 (Y)(ii)(V) the following new subparagraph:

18 “(Z)(i) subject to clause (ii), beginning on  
19 the date on which any COVID-19 vaccine is  
20 approved under section 505(b) of the Federal  
21 Food, Drug, and Cosmetic Act, in the case of  
22 a provider of services, to have received any such  
23 vaccine by such date; and

24 “(ii) except in the case of a provider of  
25 services who elects not to receive such vaccine  
26 due to medical necessity or religious beliefs, and

1 publicly discloses (as determined by the Sec-  
2 retary) prior to furnishing services to patients  
3 the COVID–19 vaccination status of the pro-  
4 vider.”.

5 (2) STATE PLAN REQUIREMENT IN MED-  
6 ICAID.—Section 1902(a) of the Social Security Act  
7 (42 U.S.C. 1395a(a)) is amended—

8 (A) in paragraph (86), by striking at the  
9 end “and”; and

10 (B) in paragraph (87)(D), by striking the  
11 period at the end and inserting “; and”; and

12 (C) by inserting after paragraph (87)(D)  
13 the following new paragraph:

14 “(88)(A) subject to subparagraph (B), begin-  
15 ning on the date on which any COVID–19 vaccine  
16 is approved under section 505(b) of the Federal  
17 Food, Drug, and Cosmetic Act, require that any  
18 physician or provider participating under the State  
19 plan to have received any such vaccine by such date;  
20 and

21 “(B) except in the case of a physician or pro-  
22 vider who elects not to receive such vaccine due to  
23 medical necessity or religious beliefs, and publicly  
24 discloses (as determined by the Secretary) prior to

1       furnishing services to patients the COVID–19 vac-  
2       cination status of the physician or provider.”.

3       (b) PROHIBITION OF PAYMENT IF NOT VACCINATED  
4       AND EXCEPTION.—

5               (1) MEDICARE.—

6                       (A) PART A.—Section 1815 of the Social  
7       Security Act (42 U.S.C. 1395g) is amended by  
8       adding at the end the following new subsection:

9       “(g)(1) Subject to paragraph (2), no payment shall  
10      be made to a provider of services under this title for any  
11      service furnished to an individual by such a provider who,  
12      beginning on the date on which any COVID–19 vaccine  
13      is approved under section 505(b) of the Federal Food,  
14      Drug, and Cosmetic Act, not received such vaccine by such  
15      date.

16      “(2) Paragraph (1) may not apply if a provider of  
17      services elects not to receive such vaccine due to medical  
18      necessity or religious beliefs, and publicly discloses (as de-  
19      termined by the Secretary) prior to furnishing services to  
20      patients the COVID–19 vaccination status of the pro-  
21      vider.”.

22                       (B) PART B.—Section 1848 of the Social  
23      Security Act (42 U.S.C. 1395w–20) is amended  
24      by adding at the end the following new sub-  
25      section:

1       “(u) PROHIBITION OF PAYMENT RELATING TO  
2 COVID–19 VACCINE AND EXCEPTION.—

3           “(1) IN GENERAL.—Subject to paragraph (2),  
4 no payment shall be made to a physician under this  
5 subsection for any service furnished to an individual  
6 by such a provider who, beginning on the date on  
7 which any COVID–19 vaccine is approved under sec-  
8 tion 505(b) of the Federal Food, Drug, and Cos-  
9 metic Act, not received such vaccine by such date.

10          “(2) EXCEPTION.—Paragraph (1) may not  
11 apply if a physician elects not to receive such vaccine  
12 due to medical necessity or religious beliefs, and  
13 publicly discloses (as determined by the Secretary)  
14 prior to furnishing services to patients the COVID–  
15 19 vaccination status of the physician.”.

16          (2) MEDICAID.—Section 1903(i) of the Social  
17 Security Act (42 U.S.C. 1396b(i)) is amended—

18           (A) in paragraph (66), by striking at the  
19 end “or”; and

20           (B) in paragraph (87)(D), by striking the  
21 period at the end and inserting “; or”; and

22           (C) by inserting after paragraph (26) the  
23 following new paragraph:

24           “(27) with respect to any amounts expended for  
25 medical assistance for an individual which is pro-

1        vided by a physician or provider who has not re-  
2        ceived any COVID-19 vaccine beginning on the date  
3        on which such vaccine is approved under section  
4        505(b) of the Federal Food, Drug, and Cosmetic  
5        Act.”.