[~118H751]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to require hospitals with approved medical residency training programs to submit to the Secretary of Health and Human Services certain information regarding osteopathic and allopathic candidates for such programs.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HARSHBARGER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to require hospitals with approved medical residency training programs to submit to the Secretary of Health and Human Services certain information regarding osteopathic and allopathic candidates for such programs.

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 ''Fair Access In Residency Act of 2025'' or the ''FAIR Act of 2025''.

SEC. 2. ENCOURAGING MORE EQUITABLE TREATMENT OF OSTEOPATHIC AND ALLOPATHIC CANDIDATES IN RESIDENCY APPLICATION AND REVIEW PROCESS.

(a) IN GENERAL.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in clause (i), by inserting at the end the following new sentence: ''For discharges occurring on or after October 1, 2026, the amount determined under the previous sentence for a hospital shall be reduced by 2 percent for each prior fiscal year (beginning with fiscal year 2025) for which the hospital has not submitted to the Secretary the information described in subclause (xiv).''; and

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

''(xiv) For purposes of clause (i), the information described in this clause is, with respect to a hospital and a fiscal year, the following:

''(I) The number of applicants for residency in each of the hospital's approved medical residency training programs beginning in such fiscal year—

''(aa) from osteopathic medical schools; and

''(bb) from allopathic medical schools.

''(II) The number of such applicants accepted into each such program beginning in such fiscal year from each such type of medical school.

''(III) An affirmation that—

''(aa) the policy of the hospital is to consider for acceptance to each such program applicants from both osteopathic and allopathic medical schools; and

''(bb) in the case that the hospital requires applicants to submit an examination score as a prerequisite for acceptance in such a program, the hospital accepts scores from, at the election of the applicant, either the Comprehensive Osteopathic Medical Licensing Examination of the United States or the United States Medical Licensing Examination.''.

(b) PUBLICATION.—The Secretary of Health and Human Services shall publish on a public website the information described in subclauses (I) and (II) of section 1886(d)(5)(B)(xiv) of the Social Security Act, as added by subsection (a), and the affirmation described in subclause (III) of such section, that is submitted by a hospital

with respect to an approved medical residency training program (as defined in section 1886(d)(h)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(h)(A)) for each fiscal year (beginning with fiscal year 2025).

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as federalizing medical education, or as establishing a mandate for an approved medical residency training program (as defined in section 1886(d)(h)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(h)(A)) to accept students (or to accept a certain number of students) from osteopathic or allopathic medical schools.