

119TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. DAINES (for himself, Mr. HEINRICH, and Mr. KING) 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 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.

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 of 2025” or the “FAIR Act of 2025”.

1 **SEC. 2. ENCOURAGING MORE EQUITABLE TREATMENT OF**
2 **OSTEOPATHIC AND ALLOPATHIC CAN-**
3 **DIDATES IN RESIDENCY APPLICATION AND**
4 **REVIEW PROCESS.**

5 (a) IN GENERAL.—Section 1886(d)(5)(B) of the So-
6 cial Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amend-
7 ed—

8 (1) in clause (i), by inserting at the end the fol-
9 lowing new sentence: “For discharges occurring on
10 or after October 1, 2026, the amount determined
11 under the previous sentence for a hospital shall be
12 reduced by 2 percent for each prior fiscal year (be-
13 ginning with fiscal year 2025) for which the hospital
14 has not submitted to the Secretary the information
15 described in subclause (xiv).”; and

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

18 “(xiv) For purposes of clause (i), the informa-
19 tion described in this clause is, with respect to a
20 hospital and a fiscal year, the following:

21 “(I) The number of applicants for resi-
22 dency in each of the hospital’s approved medical
23 residency training programs beginning in such
24 fiscal year—

25 “(aa) from osteopathic medical
26 schools; and

1 “(bb) from allopathic medical schools.

2 “(II) The number of such applicants ac-
3 cepted into each such program beginning in
4 such fiscal year from each such type of medical
5 school.

6 “(III) An affirmation that—

7 “(aa) the policy of the hospital is to
8 consider for acceptance to each such pro-
9 gram applicants from both osteopathic and
10 allopathic medical schools; and

11 “(bb) in the case that the hospital re-
12 quires applicants to submit an examination
13 score as a prerequisite for acceptance in
14 such a program, the hospital accepts scores
15 from, at the election of the applicant, ei-
16 ther the Comprehensive Osteopathic Med-
17 ical Licensing Examination of the United
18 States or the United States Medical Li-
19 censing Examination.”.

20 (b) PUBLICATION.—The Secretary of Health and
21 Human Services shall publish on a public website the in-
22 formation described in subclauses (I) and (II) of section
23 1886(d)(5)(B)(xiv) of the Social Security Act, as added
24 by subsection (a), and the affirmation described in sub-
25 clause (III) of such section, that is submitted by a hospital

1 with respect to an approved medical residency training
2 program (as defined in section 1886(h)(5)(A) of the Social
3 Security Act (42 U.S.C. 1395ww(h)(5)(A)) for each fiscal
4 year (beginning with fiscal year 2025).

5 (c) RULE OF CONSTRUCTION.—Nothing in this Act
6 shall be construed as federalizing medical education, or as
7 establishing a mandate for an approved medical residency
8 training program (as defined in section 1886(h)(5)(A) of
9 the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) to
10 accept students (or to accept a certain number of stu-
11 dents) from osteopathic or allopathic medical schools.