

112TH CONGRESS
1ST SESSION

S. 756

To amend title XI of the Social Security Act to provide for the public availability of Medicare claims data.

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

Mr. GRASSLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to provide for the public availability of Medicare claims data.

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 “Medicare Data Access
5 for Transparency and Accountability Act”.

6 **SEC. 2. PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.**

7 (a) IN GENERAL.—Section 1128J of the Social Secu-
8 rity Act (42 U.S.C. 1320a–7k) is amended by adding at
9 the end the following new subsection:

1 “(f) PUBLIC AVAILABILITY OF MEDICARE CLAIMS
2 DATA.—

3 “(1) IN GENERAL.—The Secretary shall, to the
4 extent consistent with applicable information, pri-
5 vacy, security, and disclosure laws, including the
6 regulations promulgated under the Health Insurance
7 Portability and Accountability Act of 1996 and sec-
8 tion 552a of title 5, United States Code, make avail-
9 able to the public claims and payment data of the
10 Department of Health and Human Services related
11 to title XVIII, including data on payments made to
12 any provider of services or supplier under such title.

13 “(2) IMPLEMENTATION.—

14 “(A) IN GENERAL.—Not later than De-
15 cember 31, 2012, the Secretary shall promul-
16 gate regulations to carry out this subsection.

17 “(B) REQUIREMENTS.—The regulations
18 promulgated under subparagraph (A) shall en-
19 sure that—

20 “(i) the data described in paragraph
21 (1) is made available to the public through
22 a searchable database that the public can
23 access at no cost;

24 “(ii) such database—

1 “(I) includes the amount paid to
2 each provider of services or supplier
3 under title XVIII, the items or serv-
4 ices for which such payment was
5 made, and the location of the provider
6 of services or supplier;

7 “(II) is organized based on the
8 specialty or the type of provider of
9 services or supplier involved;

10 “(III) is searchable based on the
11 type of items or services furnished;
12 and

13 “(IV) includes a disclaimer that
14 the aggregate data in the database
15 does not reflect on the quality of the
16 items or services furnished or of the
17 provider of services or supplier who
18 furnished the items or services; and

19 “(iii) each provider of services or sup-
20 plier in the database is identified by a
21 unique identifier that is available to the
22 public (such as the National Provider Iden-
23 tifier of the provider of services or sup-
24 plier).

1 “(C) SCOPE OF DATA.—The database shall
2 include data for fiscal year 2012, and each year
3 fiscal year thereafter.”.

4 (b) INFORMATION NOT EXEMPT UNDER THE FREE-
5 DOM OF INFORMATION ACT.—The term “personnel and
6 medical files and similar files the disclosure of which
7 would constitute a clearly unwarranted invasion of per-
8 sonal privacy”, as used in section 552(b)(6) of title 5,
9 United States Code, does not include the information re-
10 quired to be made available to the public under section
11 1128J(f) of the Social Security Act, as added by sub-
12 section (a).

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