

105TH CONGRESS
1ST SESSION

H. R. 2671

To amend title XVIII of the Social Security Act to assure payment for ultrasonic nebulizers as items of durable medical equipment under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1997

Mr. SMITH of New Jersey (for himself, Mr. STEARNS, Mr. WELDON of Florida, Mr. KENNEDY of Rhode Island, Mr. FOLEY, and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 assure payment for ultrasonic nebulizers as items of durable medical equipment under the Medicare Program.

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 “Senior Citizen Res-
5 piratory Care Preservation Act of 1997”.

1 SEC. 2. ASSURANCE OF PAYMENT FOR ULTRASONIC
2 NEBULIZERS AS DURABLE MEDICAL EQUIP-
3 MENT.

4 (a) IN GENERAL.—

5 (1) MEDICAL NECESSITY.—With respect to the
6 furnishing of an ultrasonic nebulizer (as described in
7 paragraph (3)) under part B of title XVIII of the
8 Social Security Act, the determination of medical ne-
9 cessity for such equipment shall be under the same
10 terms and conditions as applied to such equipment
11 on December 1, 1996.

12 (2) REASONABLE COST.—The amount of pay-
13 ment under part B of such title for such equipment
14 shall be made without respect to alternatives for
15 such equipment.

16 (3) ULTRASONIC NEBULIZER DESCRIBED.—For
17 purposes of paragraph (1), an ultrasonic nebulizer
18 described in this paragraph is—

19 (A) an item of durable medical equipment
20 consisting of such a nebulizer for which pay-
21 ment may be made under part B of such title,
22 and

23 (B) that, as of December 1, 1996, for pur-
24 poses of such payment was assigned HCPCS
25 Code E0575.

1 (b) EFFECTIVE DATE.—This Act shall apply with re-
2 spect to ultrasonic nebulizers furnished or in service on
3 or after April 1, 1997.

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