

105TH CONGRESS  
1ST SESSION

# H. R. 2912

To amend the Balanced Budget Act of 1997 to reinstate payment under medicare for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under the medicare program with respect to such services.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. RAHALL (for himself, Mr. POSHARD, Mr. MOLLOHAN, Mrs. CLAYTON, Ms. KILPATRICK, Mr. MCINTYRE, Mr. Frost, Mr. COSTELLO, Mr. CLEMENT, Mr. BAESLER, Mr. ADERHOLT, Mr. BOUCHER, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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

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## A BILL

To amend the Balanced Budget Act of 1997 to reinstate payment under Medicare for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under the Medicare Program with respect to such services.

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. SHORT TITLE.**

2       This Act may be cited as the “Medicare Venipuncture  
3 Fairness Act of 1997”.

4 **SEC. 2. REPEAL OF PROHIBITION ON PAYMENT FOR HOME**  
5 **HEALTH SERVICES SOLELY FOR PURPOSES**  
6 **OF OBTAINING A BLOOD SAMPLE; REPORT.**

7       (a) REPEAL.—Section 4615 of the Balanced Budget  
8 Act of 1997 is hereby repealed.

9       (b) REPORT TO CONGRESS.—The Balanced Budget  
10 Act of 1997, as amended in subsection (a), is further  
11 amended by inserting after section 4614, the following  
12 new section:

13 **“SEC. 4615. REPORT TO CONGRESS ON HOME HEALTH BEN-**  
14 **EFITS BASED SOLELY ON DRAWING BLOOD.**

15       “(a) STUDY.—The Secretary of Health and Human  
16 Services shall conduct a study with respect to the provision  
17 of home health services consisting of venipuncture under  
18 title XVIII of the Social Security Act. In conducting such  
19 study, the Secretary, using the most recent data available,  
20 shall—

21               “(1) determine the number of beneficiaries who  
22       are provided home health services under the medi-  
23       care program;

24               “(2) determine the number of beneficiaries who  
25       receive such services consisting of venipuncture;

1           “(3) compare the instances in which the only  
2           home health service provided in a home health visit  
3           is venipuncture solely for the purposes of obtaining  
4           a blood sample and those instances in which  
5           venipuncture is provided in such a visit in conjunc-  
6           tion with the provision of other home health services;

7           “(4) determine the costs of providing payment  
8           for home health services consisting of venipuncture  
9           solely for the purpose of obtaining a blood sample,  
10          including in such determination an analysis of the  
11          increase in such costs attributable to fraud and  
12          abuse in the provision of or billing for such services  
13          under the medicare program; and

14          “(5) determine—

15               “(A) the costs to beneficiaries if payment  
16               under the medicare program is prohibited for  
17               home health services consisting of venipuncture  
18               solely for the purposes of obtaining a blood  
19               sample, and

20               “(B) the costs to States through poten-  
21               tially increased use of personal care services  
22               and nursing home placements under the re-  
23               duced program due to such prohibition.

24          “(b) REPORT.—Not later than 1 year after the date  
25          of the enactment of this Act, the Secretary shall submit

1 to Congress a report consisting of the findings of the study  
2 conducted under subsection (a).”.

3 (c) CLERICAL AMENDMENT.—The item relating to  
4 section 4615 in the table of contents of title IV of the  
5 Balanced Budget Act of 1997 is amended to read as fol-  
6 lows:

“Sec. 4615. Report to Congress on home health benefits based solely on draw-  
ing blood.”.

7 (d) EFFECTIVE DATE.—The amendments made by  
8 this section take effect as if included in the enactment of  
9 the Balanced Budget Act of 1997.

