

105TH CONGRESS
2D SESSION

H. R. 3247

To amend title XI of the Social Security Act to provide a safe harbor under the anti-kickback statute for hospital restocking of certain ambulance drugs and supplies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1998

Mr. NEY (for himself, Mr. LATOURETTE, Mr. HOBSON, Mr. BROWN of Ohio, Mr. SAWYER, and Mr. HALL of Ohio) 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 XI of the Social Security Act to provide a safe harbor under the anti-kickback statute for hospital restocking of certain ambulance drugs and supplies.

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 “Community Safety Act
5 of 1998”.

1 **SEC. 2. SAFE HARBOR UNDER THE ANTI-KICKBACK STAT-**
2 **UTE FOR HOSPITAL RESTOCKING OF CER-**
3 **TAIN AMBULANCE DRUGS AND SUPPLIES.**

4 (a) IN GENERAL.—Section 1128B(b)(3) of the Social
5 Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (E);

8 (2) by striking the period at the end of sub-
9 paragraph (F) and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(G) any remuneration from a hospital to an
13 ambulance provider if—

14 “(i) the ambulance provider is owned or
15 operated (I) by a State or local government
16 agency or (II) by an organization that is de-
17 scribed in paragraph (3) or (4) of section
18 501(c) of the Internal Revenue Code of 1986
19 and that is exempt from taxation under section
20 501(a) of such Code;

21 “(ii) the remuneration is in the form of the
22 replenishment of drugs or supplies, or both,
23 used by the ambulance provider during the
24 transport of a patient to the hospital; and

25 “(iii) the remuneration is not determined
26 in a manner that takes into account the volume

1 or value of any referrals or business otherwise
2 generated between the parties for which pay-
3 ment may be made in whole or part under a
4 Federal health care program.”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply to remuneration provided on or
7 after the date of the enactment of this Act.

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