

105TH CONGRESS  
2D SESSION

# H. R. 3259

To amend title XVIII of the Social Security Act to clarify that any restrictions on private contracts for Medicare beneficiaries do not apply to non-covered services.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1998

Mr. CARDIN (for himself, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. CLEMENT, Mr. MURTHA, Mr. FROST, Mr. KUCINICH, and Mr. SANDLIN) 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 title XVIII of the Social Security Act to clarify that any restrictions on private contracts for Medicare beneficiaries do not apply to non-covered services.

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 Private Con-  
5       tracting Clarification Act of 1998”.

1 **SEC. 2. CLARIFYING THAT MEDICARE PRIVATE CONTRACTS**  
2 **DO NOT APPLY TO NON-COVERED SERVICES.**

3 (a) IN GENERAL.—Section 1802(b) of the Social Se-  
4 curity Act (42 U.S.C. 1395a(b)), as added by section  
5 4507(a) of the Balanced Budget Act of 1997, is amended  
6 by adding at the end the following new paragraph:

7 “(6) CLARIFICATION THAT PRIVATE CONTRACTS  
8 DO NOT APPLY TO NON-COVERED SERVICES.—Noth-  
9 ing in this section or this title shall be construed as  
10 applying to or requiring a private contract for the  
11 furnishing of an item or service for which no amount  
12 is payable under this title by reason of any of the  
13 following:

14 “(A) CATEGORICALLY EXCLUDED SERV-  
15 ICES.—The application of section 1862(a)  
16 (other than paragraph (1) or (9) of such sec-  
17 tion).

18 “(B) LIMITATIONS ON PATIENT BENE-  
19 FICIARY LIABILITY.—The application of section  
20 1879, 1842(l), 1834(a)(18), or 1834(j)(4), and  
21 the individual involved is made liable for pay-  
22 ment for the item or service under such section.

23 This paragraph shall not be treated as providing an  
24 exclusive list of the circumstances under which such  
25 a private contract is not required.”.

1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies as if it were included in the enact-  
3 ment of the Balanced Budget Act of 1997.

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