

106TH CONGRESS  
1ST SESSION

# H. CON. RES. 98

Expressing the sense of the Congress regarding the regulatory burdens imposed by the Health Care Financing Administration on suppliers of durable medical equipment under the Medicare Program.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1999

Mr. TOWNS submitted the following concurrent resolution; 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

---

## CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the regulatory burdens imposed by the Health Care Financing Administration on suppliers of durable medical equipment under the Medicare Program.

Whereas 5,100,000 elderly medicare beneficiaries currently use durable medical equipment and related services;

Whereas the Balanced Budget Act of 1997 implemented a 5-year freeze in medicare payment amounts for covered items of durable medical equipment;

Whereas the Balanced Budget Act of 1997 implemented a surety bond requirement for providers of durable medical

equipment in an amount not to exceed \$50,000 as a condition of participation in the medicare program;

Whereas the Balanced Budget Act of 1997 authorized HCFA to conduct up to 3 competitive bidding demonstration projects for up to 5 categories of durable medical equipment, including oxygen;

Whereas the Balanced Budget Act of 1997 reduced medicare payments for oxygen and oxygen equipment by 30 percent over 2 years;

Whereas the Balanced Budget Act of 1997 authorized HCFA to establish service standards for providers of oxygen and oxygen equipment to beneficiaries within their homes;

Whereas the Balanced Budget Act of 1997 reduced medicare payments for drugs and biologicals by 5 percent;

Whereas the Balanced Budget Act of 1997 requires the Health Care Financing Administration (HCFA) to describe in regulations the factors to be used in determining whether medicare part B payment rules result in payment amounts that are not inherently reasonable;

Whereas the Balanced Budget Act of 1997 allows HCFA, in the case of a determination that a part B payment rate under the medicare program is inherently unreasonable, to impose payment reductions or increases of 15 percent or less without consulting suppliers or providing public notice; and

Whereas HCFA has missed a number of deadlines with respect to the implementation of regulatory requirements under the Balanced Budget Act of 1997: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That it is the sense of the Congress that  
3 greater active oversight HCFA's administration of the  
4 medicare durable medical equipment benefit is required,  
5 and that such oversight should pay particular attention  
6 to the following:

7           (1) HCFA's compliance with public notice and  
8 comment requirements.

9           (2) HCFA's consideration of input from sup-  
10 pliers of durable medical equipment.

11          (3) The coordination and consistent application  
12 of policies with respect to durable medical equipment  
13 among HCFA's central and regional offices and the  
14 Durable Medical Equipment Regional Carriers.

15          (4) HCFA's adherence to congressional intent  
16 when implementing changes.

○