

106TH CONGRESS
1ST SESSION

H. R. 1968

To amend title XVIII of the Social Security Act to provide for additional benefits under the Medicare Program to prevent or delay the onset of illnesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1999

Mr. STARK 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 provide for additional benefits under the Medicare Program to prevent or delay the onset of illnesses, and for other purposes.

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 Preventive
5 Care Improvement Act of 1999”.

1 **SEC. 2. AUTHORITY TO PROVIDE PREVENTIVE SERVICES**
 2 **UNDER PART B OF THE MEDICARE PROGRAM.**

3 (a) PREVENTIVE SERVICES BENEFIT.—

4 (1) IN GENERAL.—Section 1861(s) of the So-
 5 cial Security Act (42 U.S.C. 1395x(s)) is amended—

6 (A) by redesignating paragraphs (16) and
 7 (17) as paragraphs (17) and (18), respectively;
 8 and

9 (B) by inserting after paragraph (15) the
 10 following new paragraph:

11 “(16) qualified preventive services, as defined in
 12 subsection (uu);”.

13 (2) CONFORMING AMENDMENTS.—Sections
 14 1864(a) 1902(a)(9)(C), and 1915(a)(1)(B)(ii)(I) of
 15 such Act (42 U.S.C. 1395aa(a), 1396a(a)(9)(C), and
 16 1396n(a)(1)(B)(ii)(I)) are each amended by striking
 17 “paragraphs (16) and (17)” each place it appears
 18 and inserting “paragraphs (17) and (18)”.

19 (b) DEFINITION OF PREVENTIVE SERVICES.—Sec-
 20 tion 1861 of such Act (42 U.S.C. 1395x) is amended by
 21 adding at the end the following new subsection:

22 “Qualified Preventive Services

23 “(uu)(1) Subject to paragraph (2), the term ‘quali-
 24 fied preventive services’ means items and services deter-
 25 mined by the Secretary to be reasonable and necessary for
 26 the prevention or early detection of an illness or disability.

1 “(2) An item or service described in paragraph (1)
2 shall be qualified as a preventive service if the Secretary
3 determines by authoritative evidence that the provision of
4 such item or service is cost effective. In determining if
5 such an item or service is cost effective, the Secretary shall
6 consider the following:

7 “(A) Whether furnishing such an item or serv-
8 ice for an illness or disability results in reductions
9 in estimated expenditures under the Social Security
10 Act for the illness or disability, or avoids treatment
11 in a more expensive setting.

12 “(B) Whether the item or service improves the
13 health of the individual for whom the item or service
14 is furnished.

15 “(C) In the case of an individual entitled to
16 benefits under this title by reason of section 226(b),
17 whether the item or service facilitates the return to
18 work of the individual.”.

19 (c) EXCLUSION FROM COVERAGE CONFORMING
20 AMENDMENT.—Section 1862(a)(1)(B) of such Act (42
21 U.S.C. 1395y(a)(1)(B)) is amended by striking “section
22 1861(s)(10)” and inserting “section 1834(e)(6)”.

1 **SEC. 3. PAYMENT FOR PREVENTIVE SERVICES.**

2 (a) IN GENERAL.—Section 1834 of the Social Secu-
3 rity Act (42 U.S.C. 1395m) is amended by inserting after
4 subsection (d) the following new subsection:

5 “(e) ALTERNATIVE PAYMENT FOR PREVENTIVE
6 SERVICES.—

7 “(1) GENERAL PAYMENT RULE.—

8 “(A) QUALIFIED PREVENTIVE SERVICES.—

9 The Secretary shall establish by regulation a
10 payment amount for qualified preventive serv-
11 ices, as defined in section 1861(uu).

12 “(B) OTHER PREVENTIVE SERVICES.—The
13 Secretary may establish by regulation a pay-
14 ment amount for each type of preventive service
15 described in subparagraphs (A) through (H) of
16 paragraph (6).

17 “(2) MINIMUM PAYMENT AMOUNT.—In the case
18 of a preventive service described in paragraph (6)
19 that may be performed as a diagnostic or thera-
20 peutic service under this title, the payment amount
21 under this subsection for a service performed as a
22 preventive service may not be less than the payment
23 amount established under this title for such service
24 performed as a diagnostic or therapeutic service.

25 “(3) MANNER OF PAYMENT.—In the case of a
26 preventive service described in paragraph (6) that

1 may be performed as a diagnostic or therapeutic
2 service under this title, the Secretary shall apply the
3 same method of payment under this subsection for
4 a service performed as a preventive service as the
5 Secretary applies under this title for such service
6 performed as a diagnostic or therapeutic service.

7 “(4) AUTHORITY TO WAIVE COINSURANCE.—
8 Notwithstanding any other provision of this title, in
9 the case of a preventive service described in para-
10 graph (6), the Secretary may waive the imposition of
11 any applicable coinsurance amount with respect to
12 such service.

13 “(5) PROHIBITION ON BALANCE BILLING.—The
14 provisions of subparagraphs (A) and (B) of section
15 1842(b)(18) shall apply to the furnishing of preven-
16 tive services described in paragraph (6) for which
17 payment is made under this subsection in the same
18 manner as such subparagraphs apply to services fur-
19 nished by a practitioner described in subparagraph
20 (C) of such section.

21 “(6) PREVENTIVE SERVICES DESCRIBED.—For
22 purposes of this subsection, the preventive services
23 described in this paragraph are any of the following
24 services:

1 “(A) Antigens (under section
2 1861(s)(2)(G)).

3 “(B) Prostate cancer screening tests (as
4 defined in section 1861(oo)).

5 “(C) Colorectal cancer screening tests (as
6 defined in section 1861(pp)).

7 “(D) Diabetes outpatient self-management
8 training services (as defined in section
9 1861(qq)).

10 “(E)(i) Pneumococcal vaccine and its ad-
11 ministration and influenza vaccine and its ad-
12 ministration (under section 1861(s)(10)(A)).

13 “(ii) Hepatitis B vaccine and its adminis-
14 tration (under section 1861(s)(10)(B)).

15 “(F) Screening mammography (as defined
16 in section 1861(jj)).

17 “(G) Screening pap smear and screening
18 pelvic exam (as defined in paragraphs (1) and
19 (2), respectively, of section 1861(nn)).

20 “(H) Bone mass measurement (as defined
21 in section 1861(rr)).

22 “(I) Qualified preventive services (as de-
23 fined in section 1861(uu)).”.

24 (b) WAIVER OF DEDUCTIBLE.—The first sentence of
25 section 1833(b) of such Act (42 U.S.C. 1395l(b)) is

1 amended by striking “, (5) such deductible” and all that
 2 follows through the period and inserting: “, and (5) such
 3 deductible shall not apply with respect to preventive serv-
 4 ices (as described in section 1834(e)(6)).”.

5 (c) CONFORMING AMENDMENTS.—(1) Section
 6 1833(a)(1)(B) of such Act (42 U.S.C. 1395l(a)(1)(B)) is
 7 amended by inserting “subject to section 1834(e),” before
 8 “the amounts paid shall be 100 percent of the reasonable
 9 charges for such items and services,”.

10 (2) Section 1833(a)(2)(G) of such Act (42 U.S.C.
 11 1395l(a)(2)(G)) is amended by inserting “subject to sec-
 12 tion 1834(e),” before “with respect to items and services”.

13 (3) Section 1834(c)(1)(C) of such Act (42 U.S.C.
 14 1395m(c)) is amended by striking “the amount of the pay-
 15 ment” and inserting “except as provided by the Secretary
 16 under subsection (e), the amount of the payment”.

17 (4) Section 1834(d) of such Act (42 U.S.C.
 18 1395m(d)) is amended—

19 (A) in paragraph (1)(A), by striking “The pay-
 20 ment amount” and inserting “Except as provided by
 21 the Secretary under subsection (e), the payment
 22 amount”; and

23 (B) in paragraphs (2)(A) and (3)(A), by strik-
 24 ing “payment under section 1848” each place it ap-
 25 pears and inserting “except as provided by the Sec-

1 retary under subsection (e), payment under section
2 1848”.

3 (5) Section 1848(g)(2)(C) of such Act (42 U.S.C.
4 1395w-4(g)(2)(C)) is amended—

5 (A) by striking “For” and inserting “(i) Sub-
6 ject to clause (ii), for”; and

7 (B) by adding at the end the following new
8 clause:

9 “(ii) For physicians’ services consisting of
10 preventive services (as described in section
11 1834(e)(6)) furnished on or after February 1,
12 2000, the ‘limiting charge’ shall be 100 percent
13 of the recognized payment amount under this
14 part for nonparticipating physicians or for non-
15 participating suppliers or other persons.”.

16 (6) Section 1848(g)(2)(D) of such Act (42 U.S.C.
17 1395w-4(g)(2)(D)) is amended by striking “the fee sched-
18 ule amount determined under subsection (a)” and all that
19 follows and inserting “the fee schedule amount determined
20 under subsection (a), in the case of preventive services (as
21 described in section 1834(e)(6)) the amount determined
22 by the Secretary under section 1834(e), or, if payment
23 under this part is made on a basis other than the fee
24 schedule under this section or other than the amount es-

1 tablished under section 1834(e) with respect to such pre-
2 ventive services, 95 percent of the other payment basis.”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act apply to items and
5 services furnished on or after February 1, 2000.

