

107TH CONGRESS
1ST SESSION

H. R. 2933

To amend title XVIII of the Social Security Act to apply the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970 through Medicare provider agreements to hospitals that are not subject to that Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2001

Mr. ENGLISH (for himself, Mr. STARK, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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 apply the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970 through Medicare provider agreements to hospitals that are not subject to that Act.

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 Needlestick
5 Prevention Act”.

1 **SEC. 2. APPLICATION OF OSHA BLOODBORNE PATHOGENS**
2 **STANDARD TO CERTAIN HOSPITALS.**

3 (a) IN GENERAL.—Section 1866 of the Social Secu-
4 rity Act (42 U.S.C. 1395cc) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (R), by striking
7 “and” at the end;

8 (B) in subparagraph (S), by striking the
9 period at the end and inserting “, and”; and

10 (C) by inserting after subparagraph (S)
11 the following new subparagraph:

12 “(T) in the case of hospitals and critical access
13 hospitals that are not otherwise subject to the Occu-
14 pational Safety and Health Act of 1970, to comply
15 with the Bloodborne Pathogens standard under sec-
16 tion 1910.1030 of title 29 of the Code of Federal
17 Regulations (or as subsequently redesignated).”; and

18 (2) by adding at the end of subsection (b) the
19 following new paragraph:

20 “(4)(A) A hospital or critical access hospital that fails
21 to comply with the requirement of subsection (a)(1)(T)
22 (relating to the Bloodborne Pathogens standard) is subject
23 to a civil money penalty in an amount described in sub-
24 paragraph (B).

25 “(B) The amount referred to in subparagraph (A) is
26 an amount that is similar to the amount of civil penalties

1 that may be imposed under section 17 of the Occupational
2 Safety and Health Act of 1970 for a violation of the
3 Bloodborne Pathogens standard referred to in subsection
4 (a)(1)(T) by a hospital or critical access hospital that is
5 subject to the provisions of such Act.

6 “(C) A civil money penalty under this paragraph shall
7 be imposed and collected in the same manner as civil
8 money penalties under subsection (a) of section 1128A are
9 imposed and collected under that section.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to hospitals as of July 1, 2002.

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