

107TH CONGRESS
2D SESSION

H. R. 4752

To amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2002

Mr. CARDIN (for himself, Mr. WAXMAN, Mr. STARK, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Energy and 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 prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Equal Access
3 to Care Act of 2002”.

4 **SEC. 2. PROHIBITION OF INCIDENTAL FEES AND REQUIRED**
5 **PURCHASE OF NON-COVERED ITEMS OR**
6 **SERVICES.**

7 (a) IN GENERAL.—Section 1842 of the Social Secu-
8 rity Act (42 U.S.C. 1395u) is amended by adding at the
9 end the following new subsection:

10 “(u) PROHIBITION OF INCIDENTAL FEES OR RE-
11 QUIRING PURCHASE OF NON-COVERED ITEMS OR SERV-
12 ICES.—

13 “(1) IN GENERAL.—A physician, practitioner
14 (as described in section 1842(b)(18)(C)), or other
15 individual may not—

16 “(A) charge a membership fee or any other
17 incidental fee to a medicare beneficiary (as de-
18 fined in section 1802(b)(5)(A)), or

19 “(B) require a medicare beneficiary (as so
20 defined) to purchase a non-covered item or
21 service,

22 as a prerequisite for the provision of a covered item
23 or service to the beneficiary under this title.

24 “(2) ENFORCEMENT.—If a physician, practi-
25 tioner, or other individual knowingly and willfully
26 charges a fee, or requires purchase of a non-covered

1 item or service, in violation of paragraph (1), the
2 Secretary may apply sanctions against such physi-
3 cian in accordance with subsection (j)(2), except the
4 maximum period of exclusion resulting from the ap-
5 plication of this paragraph shall not exceed 2
6 years.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall apply to membership fees and other
9 charges made, or purchases of items and services required,
10 on or after the date of enactment of this Act.

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