

107TH CONGRESS  
2D SESSION

# H. R. 5430

To amend title XVIII to revise the payment methodology under the Medicare Program for extra-depth shoes with inserts or custom molded shoes with inserts for individuals with diabetes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2002

Mr. FOLEY 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

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## A BILL

To amend title XVIII to revise the payment methodology under the Medicare Program for extra-depth shoes with inserts or custom molded shoes with inserts for individuals with diabetes.

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 “Fair and Equitable  
5       Expenses for Treatment Act of 2002”.

1 **SEC. 2. PAYMENT FOR CERTAIN SHOES AND INSERTS**  
2 **UNDER THE FEE SCHEDULE FOR ORTHOTICS**  
3 **AND PROSTHETICS.**

4 (a) IN GENERAL.—Section 1833(o) of the Social Se-  
5 curity Act (42 U.S.C. 1395l(o)) is amended—

6 (1) in paragraph (1), by striking “no more than  
7 the limits established under paragraph (2)” and in-  
8 serting “no more than the amount of payment appli-  
9 cable under paragraph (2)”; and

10 (2) in paragraph (2), to read as follows:

11 “(2)(A) Except as provided by the Secretary under  
12 subparagraphs (B) and (C), the amount of payment under  
13 this paragraph for custom molded shoes, extra depth  
14 shoes, and inserts shall be the amount determined for such  
15 items by the Secretary under section 1834(h).

16 “(B) The Secretary or a carrier may establish pay-  
17 ment amounts for shoes and inserts that are lower than  
18 the amount established under section 1834(h) if the Sec-  
19 retary finds that shoes and inserts of an appropriate qual-  
20 ity are readily available at or below the amount established  
21 under such section.

22 “(C) In accordance with procedures established by  
23 the Secretary, an individual entitled to benefits with re-  
24 spect to shoes described in section 1861(s)(12) may sub-  
25 stitute modification of such shoes instead of obtaining one  
26 (or more, as specified by the Secretary) pair of inserts

1 (other than the original pair of inserts with respect to such  
2 shoes). In such case, the Secretary shall substitute, for  
3 the payment amount established under section 1834(h),  
4 a payment amount that the Secretary estimates will assure  
5 that there is no net increase in expenditures under this  
6 subsection as a result of this subparagraph.”.

7 (b) CONFORMING AMENDMENT.—Section  
8 1834(h)(4)(C) of such Act (42 U.S.C. 1395m(h)(4)(C))  
9 is amended by inserting “(and includes shoes described in  
10 section 1861(s)(12))” after “in section 1861(s)(9)”.

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to items furnished on or after Jan-  
13 uary 1, 2003.

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