

108TH CONGRESS  
1ST SESSION

# H. R. 1182

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. DEAL of Georgia (for himself, Mr. TOWNS, Mr. WHITFIELD, Mr. WAMP, Mr. PALLONE, and Mrs. EMERSON) 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 of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program.

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. SPECIAL PAYMENT FOR BRACHYTHERAPY**  
2 **UNDER OPD PPS.**

3 (a) IN GENERAL.—Section 1833(t)(13) of the Social  
4 Security Act (42 U.S.C. 1395l(t)(13) is amended by add-  
5 ing at the end the following new subparagraph:

6 “(B) PAYMENT FOR DEVICES OF  
7 BRACHYTHERAPY AT CHARGES ADJUSTED TO  
8 COST.—

9 “(i) IN GENERAL.—Notwithstanding  
10 the preceding provisions of this subsection,  
11 for a device of brachytherapy furnished on  
12 or after the effective date described in  
13 clause (ii), the amount of payment for the  
14 device under this subsection is equal to the  
15 hospital’s charges for each device fur-  
16 nished, adjusted to cost.

17 “(ii) EFFECTIVE DATE.—The effective  
18 date referred to in clause (i) is that date  
19 that is the first day of the third month  
20 that begins after the date of the enactment  
21 of this subparagraph.”.

22 (b) SPECIFICATION OF GROUPS FOR  
23 BRACHYTHERAPY DEVICES.—Section 1833(t)(2) of such  
24 Act (42 U.S.C. 1395l(t)(2) is amended—

25 (1) in subparagraph (F), by striking “and” at  
26 the end;

1           (2) in subparagraph (G), by striking the period  
2       at the end and inserting “; and”; and

3           (3) by adding at the end the following new sub-  
4       paragraph:

5           “(H)   with   respect   to   devices   of  
6       brachytherapy furnished on or after the effec-  
7       tive date described in paragraph (13)(B)(ii), the  
8       Secretary shall create additional groups of cov-  
9       ered OPD services that classify such devices  
10      separately from the other services (or group of  
11      services) paid for under this subsection in a  
12      manner reflecting the number, isotope, and ra-  
13      dioactive intensity of such devices furnished, in-  
14      cluding separate groups for palladium-103 and  
15      iodine-125 devices.”.

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