

108TH CONGRESS  
2D SESSION

# H. R. 4898

To amend title XVIII of the Social Security Act to modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. ENGEL, and Mr. PALLONE) 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 modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program.

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       Services Coverage Act of 2004”.

1 **SEC. 2. COVERAGE OF ADDITIONAL PREVENTIVE SERVICES**  
 2 **DETERMINED APPROPRIATE BY THE SEC-**  
 3 **RETARY.**

4 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-  
 5 curity Act (42 U.S.C. 1395x(s)(2)), as amended by section  
 6 642(a) of the Medicare Prescription Drug, Improvement,  
 7 and Modernization Act of 2003 (Public Law 108–173; 117  
 8 Stat. 2322), is amended—

9 (1) in subparagraph (Y), by striking “and”  
 10 after the semicolon at the end;

11 (2) in subparagraph (Z), by adding “and” after  
 12 the semicolon at the end; and

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

15 “(AA) additional preventive services (as defined  
 16 in subsection (bbb)(1));”.

17 (b) SERVICES DESCRIBED.—Section 1861 of the So-  
 18 cial Security Act (42 U.S.C. 1395x), as amended by sec-  
 19 tion 706(b) of the Medicare Prescription Drug, Improve-  
 20 ment, and Modernization Act of 2003 (Public Law 108–  
 21 173; 117 Stat. 2339), is amended by adding at the end  
 22 the following new subsection:

23 “(bbb) ADDITIONAL PREVENTIVE SERVICES.—(1)  
 24 The term ‘additional preventive services’ means items and  
 25 services, including mental health services, not otherwise  
 26 covered under this title that the Secretary determines to

1 be reasonable and necessary for the prevention or early  
 2 detection of an illness or disability.

3 “(2) In making determinations under paragraph (1),  
 4 the Secretary shall—

5 “(A) take into account evidence-based rec-  
 6 ommendations by the United States Preventive Serv-  
 7 ices Task Force and other appropriate organizations;  
 8 and

9 “(B) use the process for making national cov-  
 10 erage determinations (as defined in section  
 11 1869(f)(1)(B)) under this title.”.

12 (c) PAYMENT AND ELIMINATION OF COST-SHAR-  
 13 ING.—

14 (1) IN GENERAL.—Section 1833(a)(1) of the  
 15 Social Security Act (42 U.S.C. 1395l(a)(1)), as  
 16 amended by section 302(b)(2) of the Medicare Pre-  
 17 scription Drug, Improvement, and Modernization  
 18 Act of 2003 (Public Law 108–173; 117 Stat. 2229),  
 19 is amended—

20 (A) by striking “and” before “(V)”; and

21 (B) by inserting before the semicolon at  
 22 the end the following: “, and (W) with respect  
 23 to additional preventive services (as defined in  
 24 section 1861(bbb)(1)), the amount paid shall be  
 25 100 percent of the lesser of the actual charge

for the services or the amount determined under a fee schedule established by the Secretary for purposes of this subparagraph”.

(2) ELIMINATION OF COINSURANCE IN OUT-PATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)), as amended by section 614 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2306), is amended by striking “and diagnostic mammography” and inserting “, diagnostic mammography, or additional preventive services (as defined in section 1861(bbb)(1))”.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking “and” after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting “; and”; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

1           “(H) with respect to additional preventive  
 2           services (as defined in section 1861(bbb)(1))  
 3           furnished by an outpatient department of a hos-  
 4           pital, the amount determined under paragraph  
 5           (1)(W),”.

6           (3) WAIVER OF APPLICATION OF DEDUCT-  
 7           IBLE.—The first sentence of section 1833(b) of the  
 8           Social Security Act (42 U.S.C. 1395l(b)) is amend-  
 9           ed—

10                   (A) by striking “and” before “(6)”; and

11                   (B) by inserting before the period the fol-  
 12           lowing: “, and (7) such deductible shall not  
 13           apply with respect to additional preventive serv-  
 14           ices (as defined in section 1861(bbb)(1))”.

15           (d) INCLUSION AS PART OF INITIAL PREVENTIVE  
 16           PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the  
 17           Social Security Act (42 U.S.C. 1395x(ww)(2)), as added  
 18           by section 611(b) of the Medicare Prescription Drug, Im-  
 19           provement, and Modernization Act of 2003 (Public Law  
 20           108–173; 117 Stat. 2303), is amended by adding at the  
 21           end the following new subparagraph:

22                   “(L) Additional preventive services (as defined  
 23           in subsection (bbb)(1)).”.

1       (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to services furnished on or after  
3 the date of enactment of this Act.

