

108TH CONGRESS
2D SESSION

S. 2535

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.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2004

Mr. GRAHAM of Florida (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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”.

6 **SEC. 2. COVERAGE OF ADDITIONAL PREVENTIVE SERVICES**

7 **DETERMINED APPROPRIATE BY THE SEC-**
8 **RETARY.**

9 (a) COVERAGE.—

1 (1) DESCRIPTION OF PROGRAM.—Section 1831
 2 of the Social Security Act (42 U.S.C. 1395j) is
 3 amended by inserting “(including appropriate pre-
 4 ventive benefits)” after “medical insurance bene-
 5 fits”.

6 (2) MEDICAL AND OTHER HEALTH SERVICES.—
 7 Section 1861(s)(2) of the Social Security Act (42
 8 U.S.C. 1395x(s)(2)), as amended by section 642(a)
 9 of the Medicare Prescription Drug, Improvement,
 10 and Modernization Act of 2003 (Public Law 108–
 11 173; 117 Stat. 2322), is amended—

12 (A) in subparagraph (Y), by striking
 13 “and” after the semicolon at the end;

14 (B) in subparagraph (Z), by adding “and”
 15 after the semicolon at the end; and

16 (C) by adding at the end the following new
 17 subparagraph:

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

20 (b) SERVICES DESCRIBED.—Section 1861 of the So-
 21 cial Security Act (42 U.S.C. 1395x), as amended by sec-
 22 tion 706(b) of the Medicare Prescription Drug, Improve-
 23 ment, and Modernization Act of 2003 (Public Law 108–
 24 173; 117 Stat. 2339), is amended by adding at the end
 25 the following new subsection:

1 “Additional Preventive Services

2 “(bbb)(1) The term ‘additional preventive services’
3 means items and services, including mental health serv-
4 ices, not otherwise covered under this title that the Sec-
5 retary determines to be reasonable and necessary for the
6 prevention or early detection of an illness or disability.

7 “(2) In making determinations under paragraph (1),
8 the Secretary shall—

9 “(A) take into account evidence-based rec-
10 ommendations by the United States Preventive Serv-
11 ices Task Force and other appropriate organizations;
12 and

13 “(B) use the process for making national cov-
14 erage determinations (as defined in section
15 1869(f)(1)(B)) under this title.”.

16 (c) PAYMENT AND ELIMINATION OF COST-SHAR-
17 ING.—

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

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

(B) by inserting before the semicolon at the end the following: “, and (W) with respect to additional preventive services (as defined in section 1861(bbb)(1)), the amount paid shall be 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 OUTPATIENT 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;

1 (ii) in subparagraph (G)(ii), by strik-
 2 ing the comma at the end and inserting “;
 3 and”; and

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

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

11 (3) WAIVER OF APPLICATION OF DEDUCT-
 12 IBLE.—The first sentence of section 1833(b) of the
 13 Social Security Act (42 U.S.C. 1395l(b)) is amend-
 14 ed—

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

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

20 (d) INCLUSION AS PART OF INITIAL PREVENTIVE
 21 PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the
 22 Social Security Act (42 U.S.C. 1395x(ww)(2)), as added
 23 by section 611(b) of the Medicare Prescription Drug, Im-
 24 provement, and Modernization Act of 2003 (Public Law

1 108–173; 117 Stat. 2303), is amended by adding at the
2 end the following new subparagraph:

3 “(L) Additional preventive services (as defined
4 in subsection (bbb)(1)).”.

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

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