

108TH CONGRESS
2D SESSION

S. 2911

To amend title XVIII of the Social Security Act to make improvements in the medicare competitive acquisition programs for certain items and services.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2004

Mr. GRAHAM of Florida 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 make improvements in the medicare competitive acquisition programs for certain items and services.

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 Competitive
5 Acquisition Improvement Act of 2004”.

1 **SEC. 2. IMPROVEMENTS IN THE MEDICARE COMPETITIVE**
2 **ACQUISITION PROGRAMS FOR CERTAIN**
3 **ITEMS AND SERVICES.**

4 (a) PHASED-IN IMPLEMENTATION.—Section
5 1847(a)(1)(B)(i) of the Social Security Act (42 U.S.C.
6 1395w–3(a)(1)(B)(i)), as amended by section 302(b) of
7 the Medicare Prescription Drug, Improvement, and Mod-
8 ernization Act of 2003 (Public Law 108–173; 117 Stat.
9 2224), is amended to read as follows:

10 “(i) shall be phased in among com-
11 petitive acquisition areas in a manner so
12 that the competition under the programs
13 occurs in—

14 “(I) 10 of the largest metropoli-
15 tan statistical areas in 2005;

16 “(II) 50 of the largest metropoli-
17 tan statistical areas in 2006;

18 “(III) 80 of the largest metro-
19 politan statistical areas in 2007; and

20 “(IV) additional areas after
21 2007; and”.

22 (b) CONDITIONS FOR AWARDING CONTRACT.—Sec-
23 tion 1847(b)(2)(A) of the Social Security Act (42 U.S.C.
24 1395w–3(b)(2)(A)), as amended by such section 302(b),
25 is amended by adding at the end the following new clauses:

1 “(v) The entity has an agreement in
2 effect under section 1866 and has an ac-
3 tive National Supplier Clearinghouse iden-
4 tification number.

5 “(vi) The entity complies with all Fed-
6 eral and State licensure and regulatory re-
7 quirements.

8 “(vii) The entity is in compliance with
9 all the provisions of title XI, this title, and
10 title XIX, and any regulations relating
11 thereto.

12 “(viii) The entity has not been sus-
13 pended within the 12 months preceding the
14 date on which a bid is submitted by any
15 DMERC antifraud unit for billing for
16 items or services not furnished.”.

17 (c) REPORT.—Section 1847(d) of the Social Security
18 Act (42 U.S.C. 1395w-3(d)), as amended by such section
19 302(b), is amended by striking “July 1, 2009” and insert-
20 ing “December 31, 2006”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the enact-
23 ment of such section 302(b).

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