

108TH CONGRESS
1ST SESSION

S. 345

To amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. GRAHAM of Florida, Mr. EDWARDS, and Mr. SARBANES) 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 prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary.

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 “Equal Access to Medi-
5 care Act of 2003”.

1 **SEC. 2. PROHIBITION OF INCIDENTAL FEES AND REQUIRED**
 2 **PURCHASE OF NONCOVERED ITEMS OR**
 3 **SERVICES UNDER MEDICARE.**

4 (a) IN GENERAL.—Section 1842 of the Social Secu-
 5 rity Act (42 U.S.C. 1395u) is amended by adding at the
 6 end the following new subsection:

7 “(u) PROHIBITION OF INCIDENTAL FEES OR RE-
 8 QUIRING PURCHASE OF NONCOVERED ITEMS OR SERV-
 9 ICES.—

10 “(1) IN GENERAL.—A physician, practitioner
 11 (as described in section 1842(b)(18)(C)), or other
 12 individual may not—

13 “(A) charge a membership fee or any other
 14 incidental fee to a medicare beneficiary (as de-
 15 fined in section 1802(b)(5)(A)); or

16 “(B) require a medicare beneficiary (as so
 17 defined) to purchase a noncovered item or serv-
 18 ice,

19 as a prerequisite for the provision of a covered item
 20 or service to the beneficiary under this title.

21 “(2) CONSTRUCTION.—Nothing in this sub-
 22 section shall be construed to apply the prohibition
 23 under paragraph (1) to a physician, practitioner, or
 24 other individual described in such subsection who
 25 does not accept any funds under this title.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to membership fees and other
3 charges made, or purchases of items and services required,
4 on or after the date of enactment of this Act.

