

109TH CONGRESS
1ST SESSION

S. 2080

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

DECEMBER 12, 2005

Mr. NELSON 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 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 2005”.

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 subsection (b)(18)(C)), or other in-
 12 dividual 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 as a prerequisite for the provision of a cov-
 19 ered item or service to the beneficiary under
 20 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.

