

110TH CONGRESS
2D SESSION

S. 2545

To amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2008

Mr. SCHUMER (for himself and Mrs. CLINTON) 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 provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

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. MEDICARE ADVANTAGE BENCHMARK ADJUST-**
4 **MENT FOR CERTAIN LOCAL AREAS WITH VA**
5 **MEDICAL CENTERS AND FOR CERTAIN CON-**
6 **TIGUOUS AREAS.**

7 Section 1853(k) of the Social Security Act (42 U.S.C.
8 1395w-23(k)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”; and

(2) by adding at the end the following new paragraph:

“(4) ADJUSTMENT FOR CERTAIN MA LOCAL AREAS WITH VA MEDICAL CENTERS AND FOR CERTAIN CONTIGUOUS AREAS.—

“(A) IN GENERAL.—In applying paragraph (1) for plan year 2009 and subsequent plan years, in the case of a targeted MA local area described in subparagraph (B) that is contiguous to one MA local area described in subparagraph (C), if the applicable amounts determined under such paragraph for such areas for a year are not equal, the applicable amount determined under such paragraph for each of such areas for the year shall be deemed to be the greater of such amounts.

“(B) TARGETED MA LOCAL AREA.—For purposes of subparagraph (A), a targeted MA local area is a county—

“(i) that has within its boundaries a facility that is an academic medical center

1 of the Department of Veterans Affairs;
2 and

3 “(ii) for which the payment amount
4 under this section for each of 2004, 2005,
5 and 2007 was determined using the
6 amount specified under subsection
7 (c)(1)(D) for such area for such year.

8 “(C) CONTIGUOUS MA LOCAL AREA.—For
9 purposes of subparagraph (A), an MA local
10 area described in this subparagraph is a county
11 that—

12 “(i) does not have within its bound-
13 aries a facility described in subparagraph
14 (B)(i); and

15 “(ii) meets the criteria described in
16 subparagraph (B)(ii).”.

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