

111TH CONGRESS
1ST SESSION

H. R. 1678

To amend the Internal Revenue Code of 1986 to allow a bad debt deduction to doctors to partially offset the cost of providing uncompensated care required to be provided under amendments made by the Emergency Medical Treatment and Labor Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2009

Mrs. BONO MACK introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow a bad debt deduction to doctors to partially offset the cost of providing uncompensated care required to be provided under amendments made by the Emergency Medical Treatment and Labor Act.

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 “Mitigating the Impact
5 of Uncompensated Service and Time Act of 2009”.

1 **SEC. 2. BAD DEBT DEDUCTION FOR DOCTORS TO PAR-**
 2 **TIALLY OFFSET THE COST OF PROVIDING UN-**
 3 **COMPENSATED CARE REQUIRED TO BE PRO-**
 4 **VIDED UNDER AMENDMENTS MADE BY THE**
 5 **EMERGENCY MEDICAL TREATMENT AND**
 6 **LABOR ACT.**

7 (a) IN GENERAL.—Section 166 of the Internal Rev-
 8 enue Code of 1986 (relating to bad debts) is amended by
 9 redesignating subsection (f) as subsection (g) and by in-
 10 serting after subsection (e) the following new subsection:

11 “(f) BAD DEBT TREATMENT FOR DOCTORS TO PAR-
 12 TIALLY OFFSET COST OF PROVIDING UNCOMPENSATED
 13 CARE REQUIRED TO BE PROVIDED.—

14 “(1) AMOUNT OF DEDUCTION.—

15 “(A) IN GENERAL.—For purposes of sub-
 16 section (a), the basis for determining the
 17 amount of any deduction for an eligible
 18 EMTALA debt shall be treated as being equal
 19 to the excess of—

20 “(i) the Medicare payment amount,
 21 over

22 “(ii) any other compensation received
 23 with respect to such debt.

24 “(B) MEDICARE PAYMENT AMOUNT.—For
 25 purposes of subparagraph (A), the Medicare
 26 payment amount with respect to an eligible

1 EMTALA debt is the fee schedule amount es-
2 tablished under section 1848 of the Social Secu-
3 rity Act for the physicians' service (to which
4 such debt relates) as if the service were pro-
5 vided to an individual enrolled under part B of
6 title XVIII of such Act.

7 “(2) ELIGIBLE EMTALA DEBT.—For purposes
8 of this section, the term ‘eligible EMTALA debt’
9 means any debt if—

10 “(A) such debt arose as a result of physi-
11 cians' services—

12 “(i) which were performed in an
13 EMTALA hospital by a physician (whether
14 as part of medical screening or necessary
15 stabilizing treatment and whether as an
16 emergency department physician, as an on-
17 call physician, or otherwise), and

18 “(ii) which were required to be pro-
19 vided under section 1867 of the Social Se-
20 curity Act (42 U.S.C. 1395dd), and

21 “(B) such debt is owed—

22 “(i) to such physician, or

23 “(ii) to an entity if—

1 “(I) such entity is a corporation
2 and the sole shareholder of such cor-
3 poration is such physician, or

4 “(II) such entity is a partnership
5 and any deduction under this sub-
6 section with respect to such debt is al-
7 located to such physician or to an en-
8 tity described in subclause (I).

9 “(3) OTHER DEFINITIONS.—For purposes of
10 this subsection—

11 “(A) EMERGENCY DEPARTMENT PHYSI-
12 CIAN.—The term ‘emergency department physi-
13 cian’ means any physician who is recognized as
14 a career emergency physician, as evidenced by
15 membership in the American College of Emer-
16 gency Physicians, or is certified by the Amer-
17 ican Board of Emergency Medicine, the Amer-
18 ican Osteopathic Board of Emergency Medicine,
19 or the American Board of Pediatrics.

20 “(B) PHYSICIAN.—The term ‘physician’
21 has the meaning given such term in section
22 1861(r) of the Social Security Act (42 U.S.C.
23 1395x(r)).

24 “(C) EMTALA HOSPITAL.—The term
25 ‘EMTALA hospital’ means any hospital having

1 a hospital emergency department which is re-
2 quired to comply with section 1867 of the So-
3 cial Security Act (42 U.S.C. 1395dd) (relating
4 to examination and treatment for emergency
5 medical conditions and women in labor).

6 “(D) PHYSICIANS’ SERVICES.—The term
7 ‘physicians’ services’ has the meaning given
8 such term in section 1861(q) of the Social Se-
9 curity Act (42 U.S.C. 1395x(q)).”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to debts arising from services per-
12 formed in taxable years beginning after the date of the
13 enactment of this Act.

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