

111TH CONGRESS
1ST SESSION

H. R. 2686

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 HOUSE OF REPRESENTATIVES

JUNE 3, 2009

Mr. ISRAEL (for himself and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. MEDICARE ADVANTAGE BENCHMARK ADJUST-**
2 **MENT FOR CERTAIN LOCAL AREAS WITH VA**
3 **MEDICAL CENTERS AND FOR CERTAIN CON-**
4 **TIGUOUS AREAS.**

5 Section 1853(k) of the Social Security Act (42 U.S.C.
6 1395w–23(k)) is amended—

7 (1) in paragraph (1), in the matter preceding
8 subparagraph (A), by striking “(4)” and inserting “,
9 (4), and (5)”;

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

12 “(5) **ADJUSTMENT FOR CERTAIN MA LOCAL**
13 **AREAS WITH VA MEDICAL CENTERS AND FOR CER-**
14 **TAIN CONTIGUOUS AREAS.—**

15 “(A) **IN GENERAL.—**In applying paragraph
16 (1) for plan year 2010 and subsequent plan
17 years, in the case of a targeted MA local area
18 described in subparagraph (B) that is contig-
19 uous to one MA local area described in sub-
20 paragraph (C), if the applicable amounts deter-
21 mined under such paragraph for such areas for
22 a year are not equal, the applicable amount de-
23 termined under such paragraph for each of
24 such areas for the year shall be deemed to be
25 the greater of such amounts.

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

4 “(i) that has within its boundaries a
5 facility that is an academic medical center
6 of the Department of Veterans Affairs;
7 and

8 “(ii) for which the payment amount
9 under this section for each of 2004, 2005,
10 and 2007 was determined using the
11 amount specified under subsection
12 (c)(1)(D) for such area for such year.

13 “(C) CONTIGUOUS MA LOCAL AREA.—For
14 purposes of subparagraph (A), an MA local
15 area described in this subparagraph is a county
16 that—

17 “(i) does not have within its bound-
18 aries a facility described in subparagraph
19 (B)(i); and

20 “(ii) meets the criteria described in
21 subparagraph (B)(ii).”.

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