

111TH CONGRESS
2D SESSION

H. R. 5290

To permit physicians and suppliers a new election to become Medicare participating physicians and suppliers if Medicare physician fee schedule rates are extended.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2010

Ms. GIFFORDS (for herself, Mr. BURGESS, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 permit physicians and suppliers a new election to become Medicare participating physicians and suppliers if Medicare physician fee schedule rates are extended.

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 “More Doctors, More
5 Choices Act of 2010”.

1 **SEC. 2. ADDITIONAL ELECTION OPPORTUNITY FOR PHYSI-**
2 **CIA NS AND SUPPLIERS TO BECOME MEDI-**
3 **CARE PARTICIPATING PHYSICIANS AND SUP-**
4 **PLIERS IF MEDICARE PHYSICIAN FEE SCHED-**
5 **ULE RATES ARE EXTENDED.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, if a Medicare SGR extension law is enacted
8 during the 111th Congress, the Secretary of Health and
9 Human Services shall permit a physician or supplier who
10 furnishes (or may furnish) services for which payment is
11 made under the Medicare physician fee schedule (or would
12 be so made but for a contract under section 1802(b) of
13 the Social Security Act) and is not a Medicare partici-
14 pating physician or supplier to elect to become such a
15 Medicare participating physician or supplier.

16 (b) ELECTION PROCESS.—The election under sub-
17 section (a)—

18 (1) shall occur during a period specified by the
19 Secretary of not less than 30 days beginning not
20 later than 30 days after the date of the enactment
21 of the Medicare SGR extension law;

22 (2) shall be made through a process that is con-
23 sistent with the existing open enrollment process
24 under which physicians and suppliers otherwise
25 make a participation election; and

1 (3) shall become effective for items and services
2 furnished on or after the date that is 15 days after
3 the last date of the election period under paragraph
4 (1).

5 (c) TREATMENT OF PRIVATE CONTRACTS.—In the
6 case of a physician or practitioner who has entered into
7 a contract under section 1802(b) of the Social Security
8 Act (42 U.S.C. 1395a(b)) that is in effect as of the date
9 of the enactment of the Medicare SGR extension law (or
10 this Act, if later) and who makes an election to be a Medi-
11 care participating physician or supplier under this section
12 during the election period under subsection (b)(1)—

13 (1) such election shall not apply to the contract
14 until the date of the contract would otherwise termi-
15 nate without regard to this subsection, unless the
16 medicare beneficiary involved terminates the con-
17 tract through timely notice to the physician or prac-
18 titioner; and

19 (2) notwithstanding such section 1802(b), the
20 2-year limitation imposed under the affidavit de-
21 scribed in paragraph (3)(B)(i) of such section shall
22 not apply to services furnished as a participating
23 physician or supplier pursuant to such election.

24 (d) DEFINITIONS.—In this section:

1 (1) MEDICARE PARTICIPATING PHYSICIAN OR
2 SUPPLIER.—The term “Medicare participating phy-
3 sician or supplier” has the meaning given the term
4 participating physician or supplier in section
5 1842(h)(1) of the Social Security Act (42 U.S.C.
6 1395u(h)(1)).

7 (2) MEDICARE PHYSICIAN FEE SCHEDULE.—
8 The term “Medicare physician fee schedule” means
9 the payment schedule under section 1848 of the So-
10 cial Security Act (42 U.S.C. 1395w–4).

11 (3) MEDICARE SGR EXTENSION LAW.—The
12 term “Medicare SGR extension law” means a law
13 that extends or revises for at least 1 year the
14 amount of the conversion factor under section
15 1848(d) of the Social Security Act (42 U.S.C.
16 1395w–4(d)) so that it is not lower than the conver-
17 sion factor for May 2010.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Health and Human Services.

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