

111TH CONGRESS
2D SESSION

H. R. 6095

To amend title XVIII of the Social Security Act to preserve integrated care for durable medical equipment under the competitive bidding program for qualified hospital-related DME entities.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 2010

Mr. DINGELL 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 amend title XVIII of the Social Security Act to preserve integrated care for durable medical equipment under the competitive bidding program for qualified hospital-related DME entities.

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. PRESERVATION OF INTEGRATED CARE UNDER**
2 **COMPETITIVE BIDDING PROGRAM FOR**
3 **QUALIFIED HOSPITAL-RELATED DME ENTI-**
4 **TIES.**

5 (a) IN GENERAL.—Section 1847(a) of the Social Se-
6 curity Act (42 U.S.C. 1395w–3(a)) is amended by adding
7 at the end the following new paragraph:

8 “(8) TREATMENT OF DURABLE MEDICAL
9 EQUIPMENT FURNISHED BY QUALIFIED HOSPITAL-
10 RELATED DME ENTITIES.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), in the case of an item or service de-
13 scribed in paragraph (2)(A) that is furnished by
14 a qualified hospital-related DME entity (as de-
15 fined in subparagraph (C)) in a competitive ac-
16 quisition area for which a contract is in effect
17 under the competition conducted pursuant to
18 subsection (b)(1)—

19 “(i) subject to clause (ii), the pro-
20 grams under this section shall not apply;
21 and

22 “(ii) payment shall be made to the
23 qualified hospital-related DME entity—

24 “(I) without regard to whether
25 the qualified hospital-related DME en-

1 tity submitted a bid or was awarded
2 such a contract; and

3 “(II) in the amount payable for
4 such item or service under such con-
5 tract for the area and period involved
6 (as determined by the Secretary).

7 “(B) LIMITATION.—Subparagraph (A)
8 shall apply only to items and services that are
9 furnished by a qualified hospital-related DME
10 entity that—

11 “(i) has provided assurances satisfac-
12 tory to the Secretary that a substantial
13 majority of its patients who are enrolled
14 under this part are patients of a hospital
15 described in subparagraph (C)(i) or any
16 provider of services affiliated with such
17 hospital; and

18 “(ii) was either furnishing items and
19 services of such type on or before April 1,
20 2010, or owns and controls, is owned and
21 controlled by, or is under common owner-
22 ship and control with, a hospital (or one or
23 more hospitals and a university) that was
24 furnishing such items or services of such
25 type on or before such date.

1 “(C) QUALIFIED HOSPITAL-RELATED DME
2 ENTITY.—In this paragraph, the term ‘qualified
3 hospital-related DME entity’ means a supplier
4 of durable medical equipment that—

5 “(i) owns and controls, is owned and
6 controlled by, or is under common owner-
7 ship and control with—

8 “(I) one or more hospitals; or

9 “(II) one or more hospitals and a
10 university; and

11 “(ii) meets the applicable quality and
12 financial standards under subsection
13 (b)(2)(A).”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply to items and services furnished
16 on or after the date of the enactment of this Act.

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