

112TH CONGRESS  
2D SESSION

# H. R. 5730

To amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. HUIZENGA of Michigan 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

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## A BILL

To amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services.

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 “Medicare Payment  
5 Rate Disclosure Act of 2012”.

1 **SEC. 2. PUBLIC INTERNET AVAILABILITY OF MEDICARE**  
2 **PAYMENT RATES FOR FREQUENTLY REIM-**  
3 **BURSED PROCEDURES AND SERVICES.**

4 Title XVIII of the Social Security Act is amended by  
5 adding at the end the following new section:

6 **“SEC. 1899B. PUBLIC INTERNET AVAILABILITY OF MEDI-**  
7 **CARE PAYMENT RATES FOR FREQUENTLY**  
8 **REIMBURSED PROCEDURES AND SERVICES.**

9 “(a) IN GENERAL.—

10 “(1) INITIAL POSTING.—During the initial pe-  
11 riod beginning on a date not later than 120 days  
12 after the date of the enactment of this section and  
13 ending on the date that is 240 days after such start-  
14 ing date, the Secretary shall make publicly available  
15 on the official Medicare Internet site the following:

16 “(A) PAYMENT RATES FOR HOSPITAL IN-  
17 PATIENT PROCEDURES.—For each procedure  
18 selected under subsection (b)(1)(A)(i) and for  
19 each Metropolitan Statistical Area or other pay-  
20 ment area used for purposes of section 1886(d),  
21 the average rate of payment under such section  
22 for the procedure, determined without regard to  
23 the application of any deduction or coinsurance  
24 amount or any adjustment under subparagraph  
25 (B), (D), (F), or (G) of paragraph (5) of such  
26 section.

1           “(B) PAYMENT RATES FOR HOSPITAL OUT-  
2 PATIENT PROCEDURES.—For each procedure  
3 selected under subsection (b)(1)(A)(ii) and for  
4 each county or other payment area used for  
5 purposes of section 1833(t), the average rate of  
6 payment under such section for the procedure,  
7 determined without regard to the application of  
8 any deductible or coinsurance.

9           “(C) PHYSICIAN PAYMENT RATES FOR  
10 PHYSICIANS’ SERVICES.—For each physicians’  
11 service selected under subsection (b)(1)(A)(iii)  
12 and for each fee schedule area under section  
13 1848, the average payment amount determined  
14 under the fee schedule under such section for  
15 the service, determined without regard to the  
16 application of any deductible or coinsurance.

17           “(D) PERIOD FOR WHICH PAYMENT RATES  
18 ARE APPLICABLE.—A description of the period  
19 for which each payment rate or amount under  
20 subparagraph (A), (B), or (C) is applicable.

21           “(E) SERVICES INCLUDED IN PROCE-  
22 DURES.—A description of the items and serv-  
23 ices included in each procedure selected under  
24 clauses (i) and (ii) of subsection (b)(1)(A).

1           “(F) NOTICE.—A statement that the aver-  
2           age payment rates and average payment  
3           amounts described in subparagraphs (A)  
4           through (C) are only applicable to the Medicare  
5           program under this title and may not be avail-  
6           able for an individual who is not purchasing  
7           such a procedure or service under such pro-  
8           gram.

9           “(2) POSTING OF EXPANDED SELECTION.—  
10          During the period beginning on the date that is one  
11          day after the last day of the initial period described  
12          in paragraph (1), the Secretary shall make publicly  
13          available on the official Medicare Internet site the  
14          following:

15               “(A) PAYMENT RATES FOR HOSPITAL IN-  
16               PATIENT PROCEDURES.—For each procedure  
17               selected under subsection (b)(1)(B)(i) and for  
18               each Metropolitan Statistical Area or other pay-  
19               ment area used for purposes of section 1886(d),  
20               the average rate of payment described in para-  
21               graph (1)(A) for the procedure.

22               “(B) PAYMENT RATES FOR HOSPITAL OUT-  
23               PATIENT PROCEDURES.—For each procedure  
24               selected under subsection (b)(1)(B)(ii) and for  
25               each county or other payment area used for

1 purposes of section 1833(t), the average rate of  
2 payment described in paragraph (1)(B) for the  
3 procedure.

4 “(C) PHYSICIAN PAYMENT RATES FOR  
5 PHYSICIANS’ SERVICES.—For each physicians’  
6 service selected under subsection (b)(1)(B)(iii)  
7 and for each fee schedule area under section  
8 1848, the average payment amount described in  
9 paragraph (1)(C) for the physicians’ service.

10 “(D) PERIOD FOR WHICH PAYMENT RATES  
11 ARE APPLICABLE.—A description of the period  
12 for which each payment rate or amount under  
13 subparagraph (A), (B), or (C) is applicable.

14 “(E) SERVICES INCLUDED IN PROCE-  
15 DURES.—A description of the items and serv-  
16 ices included in each procedure selected under  
17 clauses (i) and (ii) of subsection (b)(1)(B).

18 “(F) NOTICE.—A statement that the aver-  
19 age payment rates and average payment  
20 amounts described in subparagraphs (A)  
21 through (C) are only applicable to the Medicare  
22 program under this title and may not be avail-  
23 able for an individual who is not purchasing  
24 such a procedure or service under such pro-  
25 gram.

1 “(b) SELECTION OF PROCEDURES AND SERVICES.—

2 “(1) IN GENERAL.—

3 “(A) INITIAL SELECTION.—For purposes  
4 of subsection (a)(1) and based on the most re-  
5 cent national data available, the Secretary shall  
6 select the following:

7 “(i) At least the 30 hospital inpatient  
8 procedures for which payment is most fre-  
9 quently provided under section 1886(d).

10 “(ii) At least the 30 hospital out-  
11 patient procedures for which payment is  
12 most frequently provided under section  
13 1833(t).

14 “(iii) At least the 30 physicians’ serv-  
15 ices (as defined in section 1861(q)) for  
16 which payment is most frequently provided  
17 under section 1848.

18 “(B) EXPANDED SELECTION.—For pur-  
19 poses of subsection (a)(2) and based on the  
20 most recent national data available, the Sec-  
21 retary shall select the following:

22 “(i) At least the 100 hospital inpa-  
23 tient procedures for which payment is most  
24 frequently provided under section 1886(d).

1                   “(ii) At least the 100 hospital out-  
2                   patient procedures for which payment is  
3                   most frequently provided under section  
4                   1833(t).

5                   “(iii) At least the 100 physicians’  
6                   services (as defined in section 1861(q)) for  
7                   which payment is most frequently provided  
8                   under section 1848.

9                   “(2) UPDATING EXPANDED SELECTION.—The  
10                  Secretary shall periodically update the procedures  
11                  and services selected under paragraph (1)(B).

12                  “(3) FURTHER EXPANSION OF SELECTION.—  
13                  The Secretary shall expand the number of proce-  
14                  dures and services selected under paragraph (1)(B)  
15                  to include as many procedures and services as may  
16                  be useful for an individual not entitled to benefits  
17                  under part A or enrolled under part B in the pur-  
18                  chase of such procedures and services.

19                  “(c) AUTHORITY TO POST ADDITIONAL INFORMA-  
20                  TION.—The Secretary may make publicly available on the  
21                  official Medicare website such information on the payment  
22                  rate or payment amount under this title for a procedure,  
23                  item, or service not selected under subsection (b) as may  
24                  be useful for an individual not entitled to benefits under  
25                  part A or enrolled under part B in the purchase of the

1 procedure, item, or service. To the extent practicable, such  
2 information shall be provided for each payment area in-  
3 volved.

4 “(d) ADMINISTRATIVE PROVISIONS.—

5 “(1) USE OF MOST RECENT NATIONAL DATA.—

6 The information described in paragraph (1) of sub-  
7 section (b) and subsection (c) shall be based on the  
8 most recent national data available.

9 “(2) ACCESSIBILITY BY ZIP CODE.—Such infor-  
10 mation for an applicable payment area shall be ac-  
11 cessible by any zip code included in such area.”.

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