

113TH CONGRESS
1ST SESSION

H. R. 27

To amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Small Business, 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 repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS), and for other purposes.

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 “Small Supplier Fair-
5 ness in Bidding Competition Act of 2013”.

1 **SEC. 2. REPEAL OF MEDICARE DMEPOS COMPETITIVE AC-**
2 **QUISITION PROGRAM.**

3 (a) IN GENERAL.—Section 1847 of the Social Secu-
4 rity Act (42 U.S.C. 1395w–3) is repealed.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The repeal made by sub-
7 section (a) shall take effect on the date of the enact-
8 ment of this Act.

9 (2) IMPACT ON CURRENT CONTRACTS.—In the
10 case of any contract awarded under section 1847 of
11 the Social Security Act before the date of the repeal
12 of such section—

13 (A) the contract is terminated;

14 (B) no payment shall be made under title
15 XVIII of such Act on or after the date of the
16 enactment of this Act based on such a contract;
17 and

18 (C) to the extent that any damages may be
19 applicable as a result of the termination of such
20 contracts, such damages shall be payable from
21 the Federal Supplementary Medical Insurance
22 Trust Fund under section 1841 of such Act.

23 (3) CONSTRUCTION.—Nothing in this sub-
24 section shall be construed to provide an independent
25 cause of action or right to administrative or judicial

1 review with regard to the termination provided
2 under this subsection.

3 (c) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Administrator of the
5 Centers for Medicare & Medicaid Services shall submit to
6 the Committee on Small Business of the House of Rep-
7 resentatives and the Committee on Small Business and
8 Entrepreneurship of the Senate a report providing an
9 analysis of the impact of competitive bidding on small clin-
10 ical laboratories.

11 **SEC. 3. SMALL BUSINESS ADVOCACY REVIEW PANELS.**

12 Section 609(d) of title 5, United States Code, is
13 amended—

14 (1) in paragraph (2), by striking at the end
15 “and”;

16 (2) in paragraph (3), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(4) the Centers for Medicare & Medicaid Serv-
21 ices of the Department of Health and Human Serv-
22 ices (solely with respect to its capacity to issue rules
23 governing the Medicare part B fee schedule for clin-
24 ical laboratory services).”.

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