

106TH CONGRESS
2D SESSION

H. R. 5152

To amend title XVIII of the Social Security Act to update the renal dialysis composite rate.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. CAMP (for himself, Mrs. THURMAN, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. UPTON, Ms. RIVERS, Mr. PAUL, Mr. GREENWOOD, Mr. HAYWORTH, Mr. McNULTY, Mr. KLECZKA, Mr. LaFALCE, Mr. CANADY of Florida, Mr. BRYANT, Mr. DOYLE, Mr. SKELTON, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on 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 update the renal dialysis composite rate.

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 Renal Dialy-
5 sis Payment Fairness Act of 2000”.

1 **SEC. 2. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.**

2 (a) IN GENERAL.—The last sentence of section
3 1881(b)(7) of the Social Security Act (42 U.S.C.
4 1395rr(b)(7)) is amended by striking “and for such serv-
5 ices” and all that follows before the period at the end and
6 inserting the following: “for such services furnished during
7 2001, by 2.4 percent above such composite rate payment
8 amounts for such services furnished on December 31,
9 2000, and for such services furnished during a subsequent
10 year, by the ESRD market basket percentage increase (in-
11 cluding any additional factors that may increase costs de-
12 scribed in paragraph (12)(B)) above such composite rate
13 payment amounts for such services furnished on December
14 31 of the previous year”.

15 (b) ESRD MARKET BASKET PERCENTAGE INCREASE
16 DEFINED.—Section 1881(b) of the Social Security Act
17 (42 U.S.C. 1395rr(b)) is amended by adding at the end
18 the following new paragraph:

19 “(12)(A) For purposes of this title, the term ‘ESRD
20 market basket percentage increase’ means, with respect to
21 a calendar year, the percentage (estimated by the Sec-
22 retary before the beginning of such year) by which—

23 “(i) the cost of the mix of goods and services
24 included in the provision of dialysis services (includ-
25 ing the costs described in subparagraph (D)) that is
26 determined based on an index of appropriately

1 weighted indicators of changes in wages and prices
2 which are representative of the mix of goods and
3 services included in such dialysis services for the cal-
4 endar year; exceeds

5 “(ii) the cost of such mix of goods and services
6 for the preceding calendar year.

7 “(B) In addition to determining the percentage up-
8 date under subparagraph (A), the Secretary shall also take
9 into account any increase in the costs of furnishing the
10 mix of goods and services described in such subparagraph
11 resulting from—

12 “(i) the adoption of scientific and technological
13 innovations used to provide dialysis services;

14 “(ii) changes in the manner or method of deliv-
15 ering dialysis services;

16 “(iii) productivity improvements in the provi-
17 sion of dialysis services; and

18 “(iv) any other relevant factor.

19 “(C) The Secretary shall periodically review and up-
20 date (as necessary) the items and services included in the
21 mix of goods and services used to determine the percent-
22 age under subparagraph (A).

23 “(D) The costs described in this subparagraph
24 include—

1 “(i) labor, including direct patient care costs
2 and administrative labor costs, vacation and holiday
3 pay, payroll taxes, and employee benefits;

4 “(ii) other direct costs, including drugs, sup-
5 plies, and laboratory fees;

6 “(iii) overhead, including medical director fees,
7 temporary services, general and administrative costs,
8 interest expenses, and bad debt;

9 “(iv) capital, including rent, real estate taxes,
10 depreciation, utilities, repairs, and maintenance; and

11 “(v) such other allowable costs as the Secretary
12 may specify.”.

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