

108TH CONGRESS
2D SESSION

H. R. 4304

To amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate overpayments to health maintenance organizations and other private plans under part C of title XVIII of the Social Security Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2004

Mr. BOSWELL (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MATSUI, Mr. RANGEL, Mr. DINGELL, Mr. BERRY, Mr. BROWN of Ohio, Mr. STARK, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mr. PALLONE, Mr. GREEN of Texas, Mr. DOGGETT, Mr. ALLEN, Mr. SANDLIN, Ms. SOLIS, Mr. FROST, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. ESHOO, Mr. KILDEE, Mr. WEINER, Mr. FARR, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. OLVER, Mr. NADLER, Mr. HINCHEY, Mr. TIERNEY, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. CLAY, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. JACKSON of Illinois, Mr. HONDA, Ms. WATSON, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. LOWEY, Ms. LOFGREN, and Ms. SLAUGHTER) 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

A BILL

To amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate overpayments to health maintenance organizations and other private plans under part C of title XVIII of the Social Security Act.

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 Preservation
5 and Anti-Privatization Act”.

6 **SEC. 2. ELIMINATION OF MA REGIONAL PLAN STABILIZA-**
7 **TION FUND (SLUSH FUND).**

8 Subsection (e) of section 1858 of the Social Security
9 Act, as added by section 221(c) of the Medicare Prescrip-
10 tion Drug, Improvement, and Modernization Act of 2003
11 (Public Law 108–173), is repealed.

12 **SEC. 3. PHASE-IN TO PAYMENT AT 100 PERCENT OF FEE-**
13 **FOR-SERVICE RATE.**

14 Notwithstanding any other provision of law, the Sec-
15 retary of Health and Human Services shall provide, begin-
16 ning with 2005, for adjustment of payment rates to orga-
17 nizations under section 1853 of the Social Security Act
18 so that such payment rates reflect only the payment rate
19 described in subsection (c)(1)(D) of such section (relating
20 to 100 percent fee-for-service payment).

21 **SEC. 4. APPLICATION OF RISK ADJUSTMENT REFLECTING**
22 **CHARACTERISTICS FOR THE ENTIRE MEDI-**
23 **CARE POPULATION.**

24 Notwithstanding any other provision of law, effective
25 January 1, 2005, in applying risk adjustment factors to

1 payment to organizations under section 1853 of the Social
2 Security Act (42 U.S.C. 1395w-23) in a budget neutral
3 manner, the Secretary of Health and Human Services
4 shall assure that such factors, in the aggregate, take into
5 account the actuarial characteristics of the entire medicare
6 population, and not merely the population of individuals
7 enrolled under a plan under part C of title XVIII of such
8 Act.

○