

110TH CONGRESS  
1ST SESSION

# H. R. 1219

To amend title XVIII of the Social Security Act to provide geographic equity in fee-for-service reimbursement for providers under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2007

Mr. WU 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 provide geographic equity in fee-for-service reimbursement for providers under the Medicare Program.

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 Equity and  
5 Fairness in Fee-for-Service Reimbursement Act of 2007”.

1 **SEC. 2. IMPROVING FAIRNESS OF PAYMENTS TO PRO-**  
2 **VIDERS UNDER THE MEDICARE FEE-FOR-**  
3 **SERVICE PROGRAM.**

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

6 “IMPROVING FAIRNESS OF PAYMENTS UNDER THE  
7 ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM

8 “SEC. 1898. (a) ESTABLISHMENT OF SYSTEM.—Not-  
9 withstanding any other provision of law, the Secretary  
10 shall establish a system for making adjustments to the  
11 amount of payment made to providers of services and  
12 health care professionals for services provided under the  
13 original medicare fee-for-service program under parts A  
14 and B.

15 “(b) SYSTEM REQUIREMENTS.—

16 “(1) ADJUSTMENTS.—Under the system de-  
17 scribed in subsection (a), the Secretary (beginning in  
18 fiscal year 2008 or calendar year 2008, as the Sec-  
19 retary determines appropriate for the type of serv-  
20 ices involved) shall make the following adjustments:

21 “(A) STATES ABOVE NATIONAL AVER-  
22 AGE.—Subject to subparagraph (C), if a State  
23 average per beneficiary amount, but for the ap-  
24 plication of this section, for a year is greater  
25 than 100 percent of the national average per  
26 beneficiary amount for such year, then the Sec-

1           retary shall reduce the amount of applicable  
2           payments in such a manner as will result (as  
3           estimated by the Secretary) in the State aver-  
4           age per beneficiary amount for the subsequent  
5           year being at 100 percent of the national aver-  
6           age per beneficiary amount for such subsequent  
7           year.

8           “(B) STATES BELOW NATIONAL AVER-  
9           AGE.—Subject to subparagraph (C), if such a  
10          State average per beneficiary amount for a year  
11          is less than 100 percent of the national average  
12          per beneficiary amount for such year, then the  
13          Secretary shall increase the amount of applica-  
14          ble payments in such a manner as will result  
15          (as estimated by the Secretary) in the State av-  
16          erage per beneficiary amount for the subse-  
17          quent year being at 100 percent of the national  
18          average per beneficiary amount for such subse-  
19          quent year.

20          “(C) 3-YEAR PHASE IN.—In applying this  
21          paragraph for—

22                  “(i) fiscal year 2008 or calendar year  
23                  2008, the amount of any increase or de-  
24                  crease under subparagraph (A) or (B)

1 shall be 25 percent of the amount of the  
2 increase or decrease otherwise provided;

3 “(ii) fiscal year 2009 or calendar year  
4 2009, the amount of any increase or de-  
5 crease under subparagraph (A) or (B)  
6 shall be 50 percent of the amount of the  
7 increase or decrease otherwise provided;  
8 and

9 “(iii) fiscal year 2010 or calendar  
10 year 2010, the amount of any increase or  
11 decrease under subparagraph (A) or (B)  
12 shall be 75 percent of the amount of the  
13 increase or decrease otherwise provided.

14 “(2) DETERMINATION OF AVERAGES.—

15 “(A) STATE AVERAGE PER BENEFICIARY  
16 AMOUNT.—Each year (beginning in 2007), the  
17 Secretary shall determine a State average per  
18 beneficiary amount for each State which shall  
19 be equal to the Secretary’s estimate of the aver-  
20 age amount of expenditures under the original  
21 medicare fee-for-service program under parts A  
22 and B for the year for a beneficiary enrolled  
23 under such parts that resides in the State.

24 “(B) NATIONAL AVERAGE PER BENE-  
25 FICIARY AMOUNT.—Each year (beginning in

1           2007), the Secretary shall determine the na-  
2           tional average per beneficiary amount which  
3           shall be equal to the average of the State aver-  
4           age per beneficiary amounts determined under  
5           subparagraph (B) for the year.

6           “(3) APPLICABLE PAYMENTS DEFINED.—In  
7           this section, the term ‘applicable payments’ means  
8           payments made to providers of services and health  
9           care professionals for services provided under the  
10          original medicare fee-for-service program under  
11          parts A and B to beneficiaries enrolled under such  
12          parts that reside in the State.

13          “(c) BENEFICIARIES HELD HARMLESS.—The provi-  
14          sions of this section shall not effect—

15                 “(1) the entitlement to items and services of a  
16                 beneficiary under this title, including the scope of  
17                 such items and services; or

18                 “(2) any liability of the beneficiary with respect  
19                 to such items and services.

20          “(d) REGULATIONS.—The Secretary, in consultation  
21          with the Medicare Payment Advisory Commission, shall  
22          promulgate regulations to carry out this section.”.

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