

110TH CONGRESS  
1ST SESSION

# H. R. 4736

To amend part B of title XVIII of the Social Security Act to repeal limiting charges under the Medicare Program for non-participating physicians and to preempt State laws that prohibit balance billing.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2007

Mr. FEENEY introduced the following bill; which was referred to the Committee on Energy and 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

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## A BILL

To amend part B of title XVIII of the Social Security Act to repeal limiting charges under the Medicare Program for non-participating physicians and to preempt State laws that prohibit balance billing.

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. REMOVAL OF LIMITING CHARGES FOR PHYSI-**  
4       **CIANS SERVICES UNDER MEDICARE.**

5       (a) IN GENERAL.—Sections 1848(g) of the Social Se-  
6       curity Act (42 U.S.C. 1395w-4(g)) is amended—

1           (1) in subsection (g), by striking paragraphs  
2           (1) and (2); and

3           (2) in subsection (h), by striking “and the max-  
4           imum amount that may be charged consistent with  
5           subsection (g)(2)”.

6           (b) CONFORMING AMENDMENTS.—

7           (1) Section 1842(b)(3) of such Act (42 U.S.C.  
8           1395u(b)(3)) is amended by striking subparagraph  
9           (G).

10          (2) Section 1842(h)(7) of such Act (42 U.S.C.  
11          1395u(h)(7)) is amended—

12                 (A) by adding “and” at the end of sub-  
13                 paragraph (B);

14                 (B) by striking “, and” at the end of sub-  
15                 paragraph (C) and inserting a period; and

16                 (C) by striking subparagraph (D).

17          (3) Section 1852(k)(2)(A) of such Act (42  
18          U.S.C. 1395w-22(k)(2)(A)) is amended by striking  
19          clause (ii).

20          (c) EFFECTIVE DATE.—The amendments made by  
21          this section shall apply to services furnished on or after  
22          the date of the enactment of this Act.

1 **SEC. 2. PREEMPTION OF STATE LAWS LIMITING CHARGES**  
2 **FOR PHYSICIANS' SERVICES.**

3 (a) IN GENERAL.—No State may impose a limit on  
4 the amount of charges, in relation to recognized payment  
5 amounts under any health plan or otherwise, a physician  
6 (as defined in section 1861(r)(1) of the Social Security  
7 Act) may impose for services furnished by the physician  
8 and any such limit is hereby preempted.

9 (b) STATE.—In this section, the term “State” in-  
10 cludes the District of Columbia, Puerto Rico, the Virgin  
11 Islands, Guam, and American Samoa.

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