110TH CONGRESS
1ST SESSION

S. 458

To amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

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IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mrs. LINCOLN (for herself, Mr. THOMAS, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services 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 "Physician Pathology

5 Services Continuity Act of 2007".

6 **SEC. 2. PERMANENT TREATMENT OF CERTAIN PHYSICIAN**

7 **PATHOLOGY SERVICES UNDER MEDICARE.**

8 Section 1848(i) of the Social Security Act (42 U.S.C.

9 1395w–4(i)) is amended by adding at the end the fol-

10 lowing new paragraph:

1 ''(4) TREATMENT OF CERTAIN PHYSICIAN PA-
2 THOLOGY SERVICES.—

3   ''(A) IN GENERAL.—With respect to serv-
4 ices furnished on or after January 1, 2008, if
5 an independent laboratory furnishes the tech-
6 nical component of a physician pathology serv-
7 ice to a fee-for-service medicare beneficiary who
8 is an inpatient or outpatient of a covered hos-
9 pital, the Secretary shall treat such component
10 as a service for which payment shall be made
11 to the laboratory under this section and not as
12 an inpatient hospital service for which payment
13 is made to the hospital under section 1886(d)
14 or as a hospital outpatient service for which
15 payment is made to the hospital under section
16 1833(t).

17   ''(B) DEFINITIONS.—In this paragraph:
18   ''(i) COVERED HOSPITAL.—
19   ''(I) IN GENERAL.—The term
20   'covered hospital' means, with respect
21   to an inpatient or outpatient, a hos-
22   pital that had an arrangement with
23   an independent laboratory that was in
24   effect as of July 22, 1999, under
25   which a laboratory furnished the tech-

1   nical component of physician pathol-

2   ogy services to fee-for-service medi-

3   care beneficiaries who were hospital

4   inpatients or outpatients, respectively,

5   and submitted claims for payment for

6   such component to a carrier with a

7   contract under section 1842 and not

8   to the hospital.

9   "(II) CHANGE IN OWNERSHIP

10   DOES NOT AFFECT DETERMINA-

11   TION.—A change in ownership with

12   respect to a hospital on or after the

13   date referred to in subclause (I) shall

14   not affect the determination of wheth-

15   er such hospital is a covered hospital

16   for purposes of such subclause.

17   "(ii) FEE-FOR-SERVICE MEDICARE

18   BENEFICIARY.—The term 'fee-for-service

19   medicare beneficiary' means an individual

20   who is entitled to (or enrolled for) benefits

21   under part A, or enrolled under this part,

22   or both, but who is not enrolled in any of

23   the following:

24   "(I) A Medicare Advantage plan

25   under part C.

1   "(II) A plan offered by an eligi-

2   ble organization under section 1876.

3   "(III) A program of all-inclusive

4   care for the elderly (PACE) under

5   section 1894.

6   "(IV) A social health mainte-

7   nance organization (SHMO) dem-

8   onstration project established under

9   section 4018(b) of the Omnibus

10   Budget Reconciliation Act of 1987

11   (Public Law 100–203).

12   "(C) REFERENCE.—For the treatment of

13   certain physician pathology services furnished

14   prior to January 1, 2008, see section 542 of the

15   Medicare, Medicaid, and SCHIP Benefits Im-

16   provement and Protection Act of 2000, as ex-

17   tended by—

18   "(i) Centers for Medicare & Medicaid

19   Services (CMS) Program Memorandum for

20   Carriers (transmittal B–03–001), issued

21   January 17, 2003;

22   "(ii) CMS Manual System, Publica-

23   tion 100–20 One-Time Notification (trans-

24   mittal 34), issued December 24, 2003;

1   ''(iii) section 732 of the Medicare Pre-
2   scription Drug, Improvement, and Mod-
3   ernization Act of 2003; and
4   ''(iv) section 104 of division B of the
5   Tax Relief and Health Care Act of 2006.''.

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