

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1051

To amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. TANNER 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 title XVIII of the Social Security Act to extend and improve protections for sole community hospitals 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 “Sole Community Hos-  
5       pital Preservation Act of 2009”.

1 **SEC. 2. EXTENSION OF THE MEDICARE HOLD HARMLESS**  
2 **PROVISION UNDER THE PROSPECTIVE PAY-**  
3 **MENT SYSTEM FOR HOSPITAL OUTPATIENT**  
4 **DEPARTMENT SERVICES FOR SOLE COMMU-**  
5 **NITY HOSPITALS.**

6 Section 1833(t)(7)(D)(i) of the Social Security Act  
7 (42 U.S.C. 1395l(t)(7)(D)(i)) is amended by adding at the  
8 end the following new subclause:

9 “(IV) In the case of a sole community  
10 hospital (as defined in section  
11 1886(d)(5)(D)(iii)), for covered OPD serv-  
12 ices furnished on or after January 1, 2010,  
13 for which the PPS amount is less than the  
14 pre-BBA amount, the amount of payment  
15 under this subsection shall be increased by  
16 the amount of such difference.”

17 **SEC. 3. ADJUSTMENT UNDER THE PROSPECTIVE PAYMENT**  
18 **SYSTEM FOR HOSPITAL OUTPATIENT DE-**  
19 **PARTMENT SERVICES FOR SOLE COMMUNITY**  
20 **HOSPITALS.**

21 Section 1833(t)(13) of the Social Security Act (42  
22 U.S.C. 1395l(t)(13)) is amended—

23 (1) in the heading, by striking “AUTHORIZA-  
24 TION OF ADJUSTMENT” and inserting “ADJUST-  
25 MENT”; and

1           (2) by adding at the end the following new sub-  
2 paragraph:

3                   “(C) ADJUSTMENT FOR SOLE COMMUNITY  
4 HOSPITALS.—

5                           “(i) ADJUSTMENT.—

6                                   “(I) IN GENERAL.—Subject to  
7 clause (ii), in the case of covered OPD  
8 services furnished on or after January  
9 1, 2010, by a sole community hospital  
10 (as defined in section  
11 1886(d)(5)(D)(iii)), the amount of  
12 payment that would otherwise be  
13 made for such services under this sub-  
14 section (before the application of  
15 outliers and coinsurance) shall be in-  
16 creased by an amount equal to 7.1  
17 percent of such amount.

18                                   “(II) REVISION WITH NOTICE  
19 AND COMMENT.—In the case of cov-  
20 ered OPD services furnished on or  
21 after January 1, 2012, the Secretary  
22 may revise the percent described in  
23 subclause (I) based on a study de-  
24 scribed in subparagraph (A) com-  
25 paring the costs incurred by sole com-

1           munity hospitals to costs incurred by  
2           hospitals located in urban areas. Such  
3           a revised adjustment shall not be ef-  
4           fective earlier than 1 year after the  
5           date of promulgation of a regulation  
6           providing for such revised adjustment.

7           “(ii) NOT APPLICABLE TO PASS-  
8           THROUGH DEVICES, DRUGS, AND  
9           BIOLOGICALS.—The increase under clause  
10          (i) shall not apply to the payment for a de-  
11          vice, drug, or biological described in clause  
12          (i), (ii), (iii), or (iv) of paragraph (6)(A).

13          “(iii) EXEMPTION FROM BUDGET  
14          NEUTRALITY.—The provisions of this sub-  
15          paragraph shall not be effected in a man-  
16          ner that results in or requires a reduction  
17          or other adjustment in other payment  
18          amounts under this subsection.”.

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