

107TH CONGRESS
2^D SESSION

H. R. 5508

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2002

Mr. DEAL of Georgia (for himself and Mr. TOWNS) 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

A BILL

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital 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. SPECIAL PAYMENT FOR BRACHYTHERAPY**
4 **UNDER OPD PPS.**

5 (a) IN GENERAL.—Section 1833(t)(13) of the Social
6 Security Act (42 U.S.C. 1395l(t)(13) is amended by add-
7 ing at the end the following new subparagraph:

1 “(B) PAYMENT FOR DEVICES OF
2 BRACHYTHERAPY AT CHARGES ADJUSTED TO
3 COST.—Notwithstanding the preceding provi-
4 sions of this subsection, for a device of
5 brachytherapy furnished on or after January 1,
6 2003, the amount of payment for the device
7 under this subsection is equal to the hospital’s
8 charges for each device furnished, adjusted to
9 cost.”.

10 (b) SPECIFICATION OF GROUPS FOR
11 BRACHYTHERAPY DEVICES.—Section 1833(t)(2) of such
12 Act (42 U.S.C. 1395l(t)(2) is amended—

13 (1) in subparagraph (F), by striking “and” at
14 the end;

15 (2) in subparagraph (G), by striking the period
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(H) with respect to devices of
20 brachytherapy furnished during 2003 and sub-
21 sequent years, the Secretary shall create addi-
22 tional groups of covered OPD services that clas-
23 sify such devices separately from the other serv-
24 ices (or group of services) paid for under this
25 subsection in a manner reflecting the number,

1 isotope, and radioactive intensity of such de-
2 vices furnished, including separate groups for
3 palladium-103 and iodine-125 devices.”.

○