

112TH CONGRESS
1ST SESSION

S. 1242

To provide for the treatment of certain hospitals under the Medicare program.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 16), 2011

Mr. ROCKEFELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the treatment of certain 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 “Fair Competition for
5 Hospitals Act of 2011”.

6 **SEC. 2. TREATMENT OF CERTAIN HOSPITALS.**

7 (a) TREATMENT.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, effective for discharges occurring
10 on or after October 1, 2011, for purposes of making
11 payments under section 1886(d) of the Social Secu-

1 rity Act (42 U.S.C. 1395ww) to a hospital described
2 in paragraph (2), the wage index that applies to
3 such hospital under such section shall be the highest
4 wage index assigned to hospitals in the core-based
5 statistical area in which the hospital is located (re-
6 gardless of which State the hospital is located in) as
7 a result of the application of section 4410(a) of the
8 Balanced Budget Act of 1997 (42 U.S.C. 1395ww
9 note).

10 (2) HOSPITAL DESCRIBED.—A hospital de-
11 scribed in this paragraph is a hospital—

12 (A) that is located in a core-based statis-
13 tical area which is comprised of counties from
14 more than 1 State;

15 (B) that is not located in a core-based sta-
16 tistical area in which 1 or more hospitals are
17 subject to the minimum wage index under para-
18 graph (h)(4) of section 412.64 of title 42, Code
19 of Federal Regulations; and

20 (C) that is not located in a core-based sta-
21 tistical area in which the highest wage index de-
22 scribed in paragraph (1) applies to hospitals de-
23 scribed in such paragraph under a State reim-
24 bursement system under section 1814(b)(3) or

1 1886(c) of the Social Security Act (42 U.S.C.
2 1395f(b)(3); 1395ww(c)).

3 (b) RULES.—Any increase in the wage index of a hos-
4 pital as a result of the application of subsection (a) shall
5 be treated as the result of a decision of the Medicare Geo-
6 graphic Classification Review Board under paragraph (10)
7 of section 1886(d) of the Social Security Act (42 U.S.C.
8 1395ww(d)) and subject to budget neutrality under para-
9 graph (8)(D) of such section.

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