

104TH CONGRESS
1ST SESSION

H. R. 1754

To amend title XVIII of the Social Security Act to permit a supplier of durable medical equipment under part B of the medicare program to furnish an upgraded item of such equipment to a medicare beneficiary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. BROWN of Ohio (for himself and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on 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 permit a supplier of durable medical equipment under part B of the medicare program to furnish an upgraded item of such equipment to a medicare beneficiary, and for other purposes.

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. PAYMENT FOR UPGRADED ITEMS OF DURABLE**
4 **MEDICAL EQUIPMENT UNDER MEDICARE.**

5 (a) IN GENERAL.—Section 1834(a) of the Social Se-
6 curity Act (42 U.S.C. 1395m(a)), as amended by section

1 132(a)(2) of the Social Security Act Amendments of 1994,
2 is amended by adding at the end the following new para-
3 graph:

4 “(19) PERMITTING SUPPLIERS TO FURNISH UP-
5 GRADED ITEMS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), notwithstanding any other provision
8 of this part, a supplier of a covered item—

9 “(i) may furnish a patient with an
10 item in excess of or more expensive than
11 the standard item for which payment may
12 be made under this subsection; and

13 “(ii) may charge the patient an
14 amount equal to the difference between the
15 supplier’s charge for the item and the
16 amount the supplier may charge the pa-
17 tient for the standard item under this part
18 (in addition to the amount the supplier
19 may charge the patient for the standard
20 item under this part). if the supplier dem-
21 onstrates that the item was furnished to
22 the patient in accordance with the
23 consumer marketing safeguard standards
24 established by the Secretary under sub-
25 paragraph (B).

1 “(B) CONSUMER MARKETING SAFEGUARD
2 STANDARDS.—Subparagraph (A) shall not
3 apply with respect to an item furnished to a pa-
4 tient by a supplier unless the supplier dem-
5 onstrates that the item was furnished to the pa-
6 tient in accordance with standards established
7 by the Secretary to assure that patients are not
8 pressured into purchasing or renting upgraded
9 items instead of standard items.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply to items furnished on or after
12 January 1, 1996.

○