

106TH CONGRESS
2D SESSION

S. 2708

To establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the medicare program.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2000

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork 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 “Patients Before Paper-
5 work Medicare Red Tape Reduction Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Regulations promulgated by the Health
9 Care Financing Administration to administer the

1 medicare program under title XVIII of the Social
2 Security Act are 3 times as long as the regulations
3 relating to the Internal Revenue Code of 1986.

4 (2) During the Administration of President
5 Clinton, more than a quarter of the 110,000 pages
6 of medicare regulations and paperwork have been
7 added.

8 (3) According to American Medical Association
9 Immediate Past President Dr. Nancy W. Dickey, for
10 most doctors, “the biggest challenge is getting
11 through mountains of medicare paperwork”.

12 (4) According to the Wall Street Journal,
13 Allina, a nonprofit Minnesota organization serving
14 35,000 medicare beneficiaries, expects to spend
15 \$2,000,000 annually in paperwork-related burdens.

16 (5) Medicare paperwork burdens have forced in-
17 creasing numbers of medicare beneficiaries to resort
18 to the use of “insurance claim service” firms that
19 charge from \$20 to \$75 an hour.

20 (6) The Health Care Financing Administration
21 uses 23 different forms in the administration of the
22 medicare program.

23 (7) In 1998, the average processing time for
24 appeals of claims denied under part A of the medi-

1 care program was 310 days and the average appeal
2 time was 524 days under part B of such program.

3 **SEC. 3. PATIENTS BEFORE PAPERWORK MEDICARE RED**
4 **TAPE REDUCTION COMMISSION.**

5 (a) **ESTABLISHMENT.**—There is established a com-
6 mission to be known as the Patients Before Paperwork
7 Medicare Red Tape Reduction Commission (in this section
8 referred to as the “Commission”).

9 (b) **DUTIES OF THE COMMISSION.**—The Commission
10 shall—

11 (1) review existing paperwork burdens and re-
12 lated regulations under the medicare program under
13 title XVIII of the Social Security Act (42 U.S.C.
14 1395 et seq.), with the goal of reducing the paper-
15 work burdens under such program;

16 (2) analyze whether existing and proposed pa-
17 perwork requirements and related regulations have
18 proven benefits, including a positive health benefit
19 for medicare beneficiaries;

20 (3) make recommendations regarding methods
21 to streamline and to simplify the coding method for
22 items and services for which reimbursement is pro-
23 vided under the medicare program;

24 (4) make recommendations regarding the facili-
25 tation of electronic filing of claims for reimburse-

1 ment and the elimination of paperwork under the
2 medicare program;

3 (5) develop a standard form that will minimize
4 any duplication of data and that facilitates the cre-
5 ation of an electronic system that relies on less pa-
6 perwork than the current system;

7 (6) determine the effect of the paperwork re-
8 quirements under the medicare program on relation-
9 ships between doctors and patients; and

10 (7) review and analyze such other matters relat-
11 ing to paperwork reduction under the medicare pro-
12 gram as the Commission deems appropriate.

13 (c) MEMBERSHIP.—

14 (1) NUMBER AND APPOINTMENT.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the Commission shall be composed
17 of 11 members, of whom—

18 (i) 3 shall be appointed by the Presi-
19 dent, of whom not more than 2 shall be of
20 the same political party;

21 (ii) 3 shall be appointed by the Major-
22 ity Leader of the Senate, in consultation
23 with the Minority Leader of the Senate, of
24 whom not more than 2 shall be of the
25 same political party;

1 (iii) 3 shall be appointed by the
2 Speaker of the House of Representatives,
3 in consultation with the Minority Leader of
4 the House of Representatives, of whom not
5 more than 2 shall be of the same political
6 party;

7 (iv) 1, who shall serve as Chairperson
8 of the Commission, appointed jointly by
9 the President, Majority Leader of the Sen-
10 ate, and the Speaker of the House of Rep-
11 resentatives; and

12 (v) 1, who shall be the Secretary of
13 Health and Human Services or the Admin-
14 istrator of the Health Care Financing Ad-
15 ministration, as determined by the Presi-
16 dent.

17 (B) MEMBERSHIP.—

18 (i) IN GENERAL.—Each member ap-
19 pointed under this paragraph, except for
20 the member described in subparagraph
21 (A)(v), shall be—

22 (I) a health care provider, in-
23 surer, or expert familiar with the
24 medicare program; or

25 (II) a medicare beneficiary.

1 (ii) INCLUSION OF PRACTICING PHYSI-
2 CIANS.—At least 1 member appointed
3 under this paragraph shall be a practicing
4 physician.

5 (2) DEADLINE FOR APPOINTMENT.—Members
6 of the Commission shall be appointed by not later
7 than August 1, 2000.

8 (3) TERMS OF APPOINTMENT.—The term of
9 any appointment under paragraph (1) to the Com-
10 mission shall be for the life of the Commission.

11 (4) MEETINGS.—The Commission shall meet at
12 the call of its Chairperson or a majority of its mem-
13 bers.

14 (5) QUORUM.—A quorum shall consist of a ma-
15 jority of the members of the Commission, except
16 that 3 members may conduct a hearing under sub-
17 section (e)(1).

18 (6) VACANCIES.—A vacancy on the Commission
19 shall be filled in the same manner in which the origi-
20 nal appointment was made not later than 30 days
21 after the Commission is given notice of the vacancy
22 and shall not affect the power of the remaining
23 members to execute the duties of the Commission.

24 (7) COMPENSATION.—Members of the Commis-
25 sion shall receive no additional pay, allowances, or

1 benefits by reason of their service on the Commis-
2 sion.

3 (8) EXPENSES.—Each member of the Commis-
4 sion shall receive travel expenses and per diem in
5 lieu of subsistence in accordance with sections 5702
6 and 5703 of title 5, United States Code.

7 (d) STAFF AND SUPPORT SERVICES.—

8 (1) EXECUTIVE DIRECTOR.—

9 (A) APPOINTMENT.—The Chairperson
10 shall appoint an executive director of the Com-
11 mission.

12 (B) COMPENSATION.—The executive direc-
13 tor shall be paid the rate of basic pay for level
14 V of the Executive Schedule.

15 (2) STAFF.—With the approval of the Commis-
16 sion, the executive director may appoint such per-
17 sonnel as the executive director considers appro-
18 priate.

19 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—
20 The staff of the Commission shall be appointed with-
21 out regard to the provisions of title 5, United States
22 Code, governing appointments in the competitive
23 service, and shall be paid without regard to the pro-
24 visions of chapter 51 and subchapter III of chapter

1 53 of such title (relating to classification and Gen-
2 eral Schedule pay rates).

3 (4) EXPERTS AND CONSULTANTS.—With the
4 approval of the Commission, the executive director
5 may procure temporary and intermittent services
6 under section 3109(b) of title 5, United States Code.

7 (5) PHYSICAL FACILITIES.—The Administrator
8 of General Services shall locate suitable office space
9 for the operation of the Commission. The facilities
10 shall serve as the headquarters of the Commission
11 and shall include all necessary equipment and
12 incidentals required for the proper functioning of the
13 Commission.

14 (e) POWERS OF COMMISSION.—

15 (1) HEARINGS AND OTHER ACTIVITIES.—For
16 the purpose of carrying out its duties, the Commis-
17 sion may hold such hearings and undertake such
18 other activities as the Commission determines to be
19 necessary to carry out its duties.

20 (2) STUDIES BY GAO.—Upon the request of the
21 Commission, the Comptroller General of the United
22 States shall conduct such studies or investigations as
23 the Commission determines to be necessary to carry
24 out its duties.

1 (3) COST ESTIMATES BY CONGRESSIONAL
2 BUDGET OFFICE AND OFFICE OF THE CHIEF ACTU-
3 ARY OF HCFA.—

4 (A) The Director of the Congressional
5 Budget Office or the Chief Actuary of the
6 Health Care Financing Administration shall
7 provide to the Commission, upon the request of
8 the Commission, such cost estimates as the
9 Commission determines to be necessary to carry
10 out its duties.

11 (B) The Commission shall reimburse the
12 Director of the Congressional Budget Office for
13 expenses relating to the employment in the of-
14 fice of the Director of such additional staff as
15 may be necessary for the Director to comply
16 with requests by the Commission under sub-
17 paragraph (A).

18 (4) DETAIL OF FEDERAL EMPLOYEES.—Upon
19 the request of the Commission, the head of any Fed-
20 eral agency is authorized to detail, without reim-
21 bursement, any of the personnel of such agency to
22 the Commission to assist the Commission in car-
23 rying out its duties. Any such detail shall not inter-
24 rupt or otherwise affect the civil service status or
25 privileges of the Federal employee.

1 (5) TECHNICAL ASSISTANCE.—Upon the re-
2 quest of the Commission, the head of a Federal
3 agency shall provide such technical assistance to the
4 Commission as the Commission determines to be
5 necessary to carry out its duties.

6 (6) USE OF MAILS.—The Commission may use
7 the United States mails in the same manner and
8 under the same conditions as Federal agencies and
9 shall, for purposes of the frank, be considered a
10 commission of Congress as described in section 3215
11 of title 39, United States Code.

12 (7) OBTAINING INFORMATION.—The Commis-
13 sion may secure directly from any Federal agency
14 information necessary to enable it to carry out its
15 duties, if the information may be disclosed under
16 section 552 of title 5, United States Code. Upon re-
17 quest of the Chairperson of the Commission, the
18 head of such agency shall furnish such information
19 to the Commission.

20 (8) ADMINISTRATIVE SUPPORT SERVICES.—
21 Upon the request of the Commission, the Adminis-
22 trator of General Services shall provide to the Com-
23 mission on a reimbursable basis such administrative
24 support services as the Commission may request.

1 (9) PRINTING.—For purposes of costs relating
2 to printing and binding, including the cost of per-
3 sonnel detailed from the Government Printing Of-
4 fice, the Commission shall be deemed to be a com-
5 mittee of Congress.

6 (f) REPORT.—Not later than 1 year after the date
7 on which the final member of the Commission is appointed
8 under subsection (c), the Commission shall submit a re-
9 port to the President and Congress which shall contain
10 a detailed statement of only those recommendations, find-
11 ings, and conclusions of the Commission that receive the
12 approval of at least a majority of the members of the Com-
13 mission.

14 (g) TERMINATION.—The Commission shall terminate
15 30 days after the date of submission of the report required
16 under subsection (f).

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$500,000 to carry out
19 this section.

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