

108TH CONGRESS  
1ST SESSION

# H. R. 41

To amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2003.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mrs. CAPPS (for herself, Mr. LARSEN of Washington, Mr. TAYLOR of Mississippi, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LOFGREN, Mr. ROSS, Mr. MARKEY, Mr. BOUCHER, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Ms. CARSON of Indiana, Ms. SLAUGHTER, Mr. REYES, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Mr. ISRAEL, Mr. DOGGETT, Mr. HINCHEY, Mr. DAVIS of Florida, Mr. RODRIGUEZ, Mr. NADLER, and Mr. WYNN) 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 specify the update for payments under the Medicare physician fee schedule for 2003.

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 “Medicare Physician  
5 Protection Act of 2003”.

1 **SEC. 2. SPECIFICATION OF THE UPDATE FOR PAYMENTS**  
2 **UNDER THE MEDICARE PHYSICIAN FEE**  
3 **SCHEDULE FOR 2003.**

4 (a) IN GENERAL.—Section 1848(d) of the Social Se-  
5 curity Act (42 U.S.C. 1395w-4(d)) is amended by adding  
6 at the end the following new paragraph:

7 “(5) CONVERSION FACTOR FOR 2003.—

8 “(A) IN GENERAL.—The conversion factor  
9 established under this subsection for 2003 shall  
10 be equal to the conversion factor established  
11 under this subsection for 2002.

12 “(B) NO EFFECT FOR SUBSEQUENT PERI-  
13 ODS.—The conversion factor under paragraph  
14 (1) and the update adjustment factor under  
15 paragraph (4)(B) for a year after 2003 shall be  
16 applied and computed as if subparagraph (A)  
17 had not been in effect.

18 “(C) CONFORMING PROVISIONS TO EN-  
19 SURE NO EFFECT FOR SUBSEQUENT PERI-  
20 ODS.—In carrying out subparagraph (B):

21 “(i) NO EFFECT ON TARGET FOR AL-  
22 LOWED EXPENDITURES.—The allowed ex-  
23 penditures under paragraph (4)(C)(iii) for  
24 years after 2003 shall be applied and com-  
25 puted as if subparagraph (A) had not been  
26 in effect.

1                   “(ii) REMOVAL OF ADDITIONAL EX-  
2                   PENDITURES FROM ACTUAL EXPENDI-  
3                   TURES.—In applying paragraph (4)(B) for  
4                   years beginning with 2004, the actual ex-  
5                   penditures for 2003 shall be the actual ex-  
6                   penditures otherwise determined multiplied  
7                   by the ratio of (I) the amount of the con-  
8                   version factor that would have applied for  
9                   2003 under this subsection but for this  
10                  paragraph, to (II) the amount of the con-  
11                  version factor that is applied for 2003  
12                  under this paragraph.

13                  “(iii) NOT TREATED AS CHANGE IN  
14                  LAW AND REGULATION IN SUSTAINABLE  
15                  GROWTH RATE DETERMINATION.—The en-  
16                  actment of this paragraph shall not be  
17                  treated as a change in law for purposes of  
18                  applying subsection (f)(2)(D).”.

19                  (b) CONFORMING AMENDMENTS.—Section 1848(d)  
20 of the such Act (42 U.S.C. 1395w-4(d)) is amended—

21                   (1) in paragraph (1)(A), by inserting “and sub-  
22                   ject to paragraph (5)” after “with 2001”;

23                   (2) in paragraph (4)(A), by inserting “(includ-  
24                   ing paragraph (5))” after “Unless otherwise pro-  
25                   vided by law”;

1           (3) in paragraph (4)(B), by inserting “and sub-  
2           paragraphs (B) and (C) of paragraph (5)” after  
3           “subparagraph (D)” in the matter preceding clause  
4           (i); and

5           (4) in paragraph (4)(C)(iii), by striking “The  
6           allowed expenditures” and inserting “Subject to  
7           paragraph (5)(C)(i), the allowed expenditures”.

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