

108TH CONGRESS
1ST SESSION

S. 1779

To amend title XVIII of the Social Security Act to provide for fairness
in the provision of medicare services for Indians.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2003

Mr. BINGAMAN (for himself, Mr. INOUE, Mr. DASCHLE, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Ms. CANTWELL, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide
for fairness in the provision of medicare services for Indians.

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 Indian
5 Health Fairness Act of 2003”.

1 **SEC. 2. AUTHORIZATION OF REIMBURSEMENT FOR ALL**
2 **MEDICARE PART B SERVICES FURNISHED BY**
3 **CERTAIN INDIAN HOSPITALS AND CLINICS.**

4 (a) **IN GENERAL.**—Section 1880(e) of the Social Se-
5 curity Act (42 U.S.C. 1395qq(e)) is amended—

6 (1) in paragraph (1)(A), by striking “for serv-
7 ices described in paragraph (2)” and inserting “for
8 all items and services for which payment may be
9 made under such part”;

10 (2) by striking paragraph (2); and

11 (3) by redesignating paragraph (3) as para-
12 graph (2).

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 this section shall apply to items and services furnished on
15 or after the first day of the sixth month beginning after
16 the date of enactment of this Act.

17 **SEC. 3. LIMITATION ON CHARGES FOR INPATIENT HOS-**
18 **PITAL CONTRACT HEALTH SERVICES PRO-**
19 **VIDED TO INDIANS BY MEDICARE PARTICI-**
20 **PATING HOSPITALS.**

21 (a) **IN GENERAL.**—Section 1866(a)(1) of the Social
22 Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

23 (1) in subparagraph (R), by striking “and” at
24 the end;

25 (2) in subparagraph (S), by striking the period
26 and inserting “, and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(T) in the case of hospitals which furnish
4 inpatient hospital services for which payment
5 may be made under this title, to be a partici-
6 pating provider of medical care—

7 “(i) under the contract health services
8 program funded by the Indian Health
9 Service and operated by the Indian Health
10 Service, an Indian tribe, or tribal organiza-
11 tion (as those terms are defined in section
12 4 of the Indian Health Care Improvement
13 Act), with respect to items and services
14 that are covered under such program and
15 furnished to an individual eligible for such
16 items and services under such program;
17 and

18 “(ii) under a program funded by the
19 Indian Health Service and operated by an
20 urban Indian organization with respect to
21 the purchase of items and services for an
22 eligible urban Indian (as those terms are
23 defined in such section 4),

24 in accordance with regulations promulgated by
25 the Secretary regarding admission practices,

1 payment methodology, and rates of payment
 2 (including the acceptance of no more than such
 3 payment rate as payment in full for such items
 4 and services).”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
 6 this section shall apply as of a date specified by the Sec-
 7 retary of Health and Human Services (but in no case later
 8 than 6 months after the date of enactment of this Act)
 9 to medicare participation agreements in effect (or entered
 10 into) on or after such date.

11 **SEC. 4. EQUAL PAYMENTS FOR CLINICS IN THE INDIAN**
 12 **HEALTH SERVICE SUPPORTED HEALTH CARE**
 13 **SYSTEM.**

14 (a) **IN GENERAL.**—Section 1880 of the Social Secu-
 15 rity Act (42 U.S.C. 1395qq) is amended—

16 (1) by redesignating subsection (f) as sub-
 17 section (g); and

18 (2) by inserting after subsection (e) the fol-
 19 lowing new subsection:

20 “(f) Notwithstanding any other provision of law, for
 21 purposes of determining the rate of reimbursement for
 22 items and services under this title, any outpatient or am-
 23 bulatory care clinic (whether freestanding or provider-
 24 based) operated by the Indian Health Service, an Indian
 25 tribe, a tribal organization, or an urban Indian organiza-

1 tion (as those terms are defined in section 4 of the Indian
2 Health Care Improvement Act), shall, upon the election
3 of such clinic, be reimbursed on the same basis as if such
4 clinic were a hospital outpatient department of the Indian
5 Health Service.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to items and services furnished on
8 or after the first day of the sixth month beginning after
9 the date of enactment of this Act.

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