

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5496

To amend title XVIII of the Social Security Act to provide special treatment of certain cancer hospitals under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2006

Mr. FERGUSON introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act to provide special treatment of certain cancer 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. MEDICARE TREATMENT FOR CERTAIN CANCER**  
4                                   **HOSPITALS.**

5           (a) IN GENERAL.—Section 1886(d)(1)(B) of the So-  
6       cial Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amend-  
7       ed—

8                   (1) by striking “or” at the end of clause (iv);

9                   (2) by striking the semicolon at the end of  
10       clause (v) and inserting “, or”; and

1           (3) by inserting after clause (v) the following  
2 new clause:

3           “(vi) a hospital that—

4                   “(I) is located in a State which ranks (ac-  
5 cording to the National Cancer Institute’s sta-  
6 tistics published in May 2005 for 2001 and  
7 2002) first among all States in the incidence of  
8 prostate cancer, third in the incidence rate for  
9 non-Hodgkins lymphoma, fourth in the inci-  
10 dence rates for thyroid cancer and ovarian can-  
11 cer, and third in the highest death rates from  
12 uterine cancer and breast cancer;

13                   “(II) is located in a State that, as of De-  
14 cember 31, 2005, had only one center under  
15 section 414 of the Public Health Service Act  
16 that has been designated by the National Can-  
17 cer Institute as a comprehensive center cur-  
18 rently serving all 21 counties in the most dense-  
19 ly populated State in the nation, serving more  
20 than 70,000 patient visits annually;

21                   “(III) as of December 31, 2005, served as  
22 the teaching and clinical care, research and  
23 training hospital for the Center described in  
24 subelause (II), providing significant financial  
25 and operational support to such Center;

1           “(IV) as of December 31, 2005, served as  
2           a core and essential element in such Center  
3           which conducts more than 130 clinical trial ac-  
4           tivities, national cooperative group studies, in-  
5           vestigator-initiated and peer review studies and  
6           received during 2003 at least \$80,000,000 in  
7           research grant awards;

8           “(V) as of December 31, 2005, can dem-  
9           onstrate that it has been a unique and an inte-  
10          gral component of such Center since such Cen-  
11          ter’s inception;

12          “(VI) as of December 31, 2005, includes  
13          dedicated patient care units organized primarily  
14          for the treatment of and research on cancer  
15          with approximately 125 beds, 75 percent of  
16          which are dedicated to cancer patients, and con-  
17          tains a radiation oncology department as well  
18          as specialized emergency services for oncology  
19          patients;

20          “(VII) as of December 31, 2003, is identi-  
21          fied as the focus of the Center’s inpatient ac-  
22          tivities in the Center’s application as an NCI-  
23          designated comprehensive cancer center and  
24          shares the NCI comprehensive cancer designa-  
25          tion with the Center; and

1           “(VIII) as of December 31, 2005, has been  
2           recognized with a certificate of approval by the  
3           American College of Surgeons Commission on  
4           Cancer;”.

5           (b)           CONFORMING           AMENDMENT.—Section  
6 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E))  
7 is amended by striking “clause (v)” and inserting “clauses  
8 (v) and (vi)”.

9           (c) PAYMENT.—

10           (1) APPLICATION TO COST REPORTING PERI-  
11 ODS.—Any classification by reason of section  
12 1886(d)(1)(B)(vi) of the Social Security Act (42  
13 U.S.C. 1395ww(d)(1)(B)(vi)) (as added by sub-  
14 section (a)) shall apply to all cost reporting periods  
15 beginning on or after January 1, 2005.

16           (2) BASE TARGET AMOUNT.—Notwithstanding  
17 section 1886(b)(3)(E) of the Social Security Act (42  
18 U.S.C. 1395ww(b)(3)(E)), in the case of a hospital  
19 described in section 1886(d)(1)(B)(vi) of the Social  
20 Security Act, as added by subsection (a), such hos-  
21 pital shall be permitted to resubmit the 2005 Medi-  
22 care 2552 cost report incorporating a cancer hos-  
23 pital sub-provider number, and apply the Medicare  
24 ratio-of-cost-to-charge settlement methodology for  
25 outpatient cancer services. In the case of such hos-

1       pital the PPS cancer exemption under section  
2       1886(b)(3)(E)(i) of such Act for the first cost re-  
3       porting period beginning on or after January 1,  
4       2005, shall be the allowable operating costs of inpa-  
5       tient hospital services (referred to in subclause (I) of  
6       such section) for such first cost reporting period.

7               (3) DEADLINE FOR PAYMENTS.—Any payments  
8       owed to a hospital as a result of this section for pe-  
9       riods occurring before the date of the enactment of  
10      this Act shall be made expeditiously, but in no event  
11      later than 1 year after such date of enactment.

12              (d) MAINTENANCE OF EXEMPTION.—Once admitted  
13      as a PPS cancer-exempt hospital, a hospital described in  
14      section 1886(d)(1)(B)(vi) of the Social Security Act shall  
15      retain that status as long as the Center referred to in such  
16      section remains a comprehensive cancer center.

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