

110TH CONGRESS  
2D SESSION

# H. R. 6386

To amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. MCCARTHY of California 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 extend and revise incentive payments for physician scarcity areas under part B of 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. EXTENSION AND REVISION OF MEDICARE IN-**  
4 **CENTIVE PAYMENTS FOR PHYSICIAN SCAR-**  
5 **CITY AREAS.**

6 (a) 5-YEAR EXTENSION.—Paragraph (1) of section  
7 1833(u) of the Social Security Act (42 U.S.C. 1395l(u))  
8 is amended by striking “2008” and inserting “2012”.

1 (b) CHANGE IN ELIGIBILITY CRITERIA.—Such sec-  
2 tion is further amended—

3 (1) in paragraph (1)(A)—

4 (A) by inserting “or paragraph (8), as the  
5 case may be” after “paragraph (4)”; and

6 (B) by inserting “(or 2.5 percent in the  
7 cases specified in paragraph (8))” after “5 per-  
8 cent”;

9 (2) in each of clauses (i) and (ii) of paragraph  
10 (2)(C), by inserting “and paragraph (8)” after “in  
11 this paragraph”;

12 (3) in paragraph (3), by striking “The Sec-  
13 retary” and inserting “For years before 2009, the  
14 Secretary”;

15 (4) in paragraph (4)(A), by striking “The Sec-  
16 retary” and inserting “For years before 2009, the  
17 Secretary”; and

18 (5) by adding at the end the following new  
19 paragraph:

20 “(8) NEW RULES FOR SCARCITY AREAS.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B)(ii), in applying paragraph (1) in the  
23 case of physicians’ services furnished on or  
24 after July 1, 2008—

1           “(i) the term ‘primary care scarcity  
2 county’ means a county (or equivalent  
3 area) which the Secretary identifies as hav-  
4 ing a primary care ratio (as determined  
5 under paragraph (2)(C)(i)) of less than 1  
6 to 150;

7           “(ii) the term ‘specialist care scarcity  
8 county’ means a county (or equivalent  
9 area) which the Secretary identifies as hav-  
10 ing a specialist care ratio (as determined  
11 under paragraph (2)(C)(ii)) of less than 1  
12 to 150;

13           “(iii) for physicians’ services furnished  
14 by a primary care physician in a primary  
15 care scarcity county (as defined in clause  
16 (i)) which the Secretary identifies under  
17 such clause as having a primary care ratio  
18 of more than 1 to 300, ‘2.5 percent’ shall  
19 be substituted for ‘5 percent’ in paragraph  
20 (1); and

21           “(iv) for physicians’ services furnished  
22 by a physician, who is not a primary care  
23 physician, in a specialist care scarcity  
24 county (as defined in clause (ii)) which the  
25 Secretary identifies under such clause as

1           having a specialist care ratio of more than  
2           1 to 300, ‘2.5 percent’ shall be substituted  
3           for ‘5 percent’ in paragraph (1).

4           The provisions of subparagraphs (B) through  
5           (D) of paragraph (4) shall apply to identifica-  
6           tion of counties under this subparagraph in the  
7           same manner as they apply to the identification  
8           of counties under subparagraph (A) of para-  
9           graph (4).

10           “(B) REVIEW OF RATIOS.—

11           “(i) STUDY.—The Secretary, in con-  
12           sultation with the Medicare Payment Advi-  
13           sory Commission and the Comptroller Gen-  
14           eral of the United States, shall conduct a  
15           study to better determine whether the pri-  
16           mary and specialist care ratios applied  
17           under subparagraph (A) are appropriate to  
18           provide the proper incentive payments for  
19           physician scarcity areas.

20           “(ii) AUTHORITY TO APPLY DIF-  
21           FERENT RATIOS.—In the case of physi-  
22           cians’ services furnished on or after such  
23           date (no earlier than January 1, 2012) as  
24           the Secretary may specify, if the Secretary  
25           determines based on the study conducted

1 under clause (i) that other ratios should be  
2 substituted for the 1-to-300 and 1-to-150  
3 ratios specified in subparagraph (A), the  
4 Secretary may substitute such other ratios  
5 in applying such subparagraph.”.

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