

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 515

To amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 5 (legislative day, MARCH 3), 1993

Mr. PRYOR (for himself and Mr. MITCHELL) 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 a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

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. LIMITATION ON USE OF CLAIM SAMPLING TO**  
4 **DENY CLAIMS OR RECOVER OVERPAYMENTS**  
5 **UNDER MEDICARE.**

6 (a) LIMITATION ON USE OF CLAIM SAMPLING.—Sec-  
7 tion 1869(a) of the Social Security Act (42 U.S.C.  
8 1395ff(a)) is amended—

1           (1) by striking “(a) The determination” and in-  
2       serting “(a)(1) Subject to paragraph (2), the deter-  
3       mination”; and

4           (2) by adding at the end thereof the following  
5       new paragraph:

6       “(2) Except for purposes of assessing civil money  
7       penalties for fraud under section 1128A(a)—

8           “(A) the determination with respect to a claim  
9       for benefits under part A or part B shall be based  
10      solely on the individual’s entitlement to such bene-  
11      fits; and

12          “(B) the Secretary may not make any deter-  
13      mination with respect to any claim for benefits de-  
14      scribed in paragraph (1) by applying information ob-  
15      tained through a process of claim sampling to such  
16      claim.”.

17      (b) CONFORMING AMENDMENTS.—(1) Section  
18      1862(f) of such Act (42 U.S.C. 1395y(f)) is amended by  
19      striking “otherwise” and inserting “otherwise that meets  
20      the requirements of section 1869(a)(2)”.

21      (2) Section 1869(b)(1) of such Act (42 U.S.C.  
22      1395ff(b)(1)) is amended by striking “subsection (a)” and  
23      inserting “subsection (a)(1)”.

1 **SEC. 2. EFFECTIVE DATE.**

2       The amendments made by section 1 shall apply to  
3 determinations on claims for benefits under title XVIII of  
4 the Social Security Act issued on or after the date of en-  
5 actment of this Act.

○