

108TH CONGRESS
1ST SESSION

S. 1288

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the medicare program.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2003

Mr. CHAMBLISS (for himself and Mr. MILLER) 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 exclude brachytherapy devices from the prospective payment system for outpatient hospital services 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. SPECIAL PAYMENT FOR BRACHYTHERAPY**
4 **UNDER OPD PPS.**

5 (a) IN GENERAL.—Section 1833(t)(13) of the Social
6 Security Act (42 U.S.C. 1395l(t)(13)) is amended by add-
7 ing at the end the following new subparagraph:

1 “(B) PAYMENT FOR DEVICES OF
2 BRACHYTHERAPY AT CHARGES ADJUSTED TO
3 COST.—

4 “(i) IN GENERAL.—Notwithstanding
5 the preceding provisions of this subsection,
6 for a device of brachytherapy furnished on
7 or after the effective date described in
8 clause (ii), the amount of payment for the
9 device under this subsection is equal to the
10 hospital’s charges for each device fur-
11 nished, adjusted to cost.

12 “(ii) EFFECTIVE DATE.—The effective
13 date referred to in clause (i) is that date
14 that is the first day of the third month
15 that begins after the date of the enactment
16 of this subparagraph.”.

17 (b) SPECIFICATION OF GROUPS FOR
18 BRACHYTHERAPY DEVICES.—Section 1833(t)(2) of the
19 Social Security Act (42 U.S.C. 1395l(t)(2)) is amended—

20 (1) in subparagraph (F), by striking “and” at
21 the end;

22 (2) in subparagraph (G), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(H) with respect to devices of
2 brachytherapy furnished on or after the effec-
3 tive date described in paragraph (13)(B)(ii), the
4 Secretary shall create additional groups of cov-
5 ered OPD services that classify such devices
6 separately from the other services (or group of
7 services) paid for under this subsection in a
8 manner reflecting the number, isotope, and ra-
9 dioactive intensity of such devices furnished, in-
10 cluding separate groups for palladium-103 and
11 iodine-125 devices.”.

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