

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.

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## 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

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## 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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