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(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

# H. R. 3790

To amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS) in a budget neutral manner.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. MEEK of Florida introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## A BILL

To amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS) in a budget neutral manner.

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. REPEAL OF MEDICARE DMEPOS COMPETITIVE**  
4 **ACQUISITION PROGRAM.**

5 (a) IN GENERAL.—Section 1847 of the Social Secu-  
6 rity Act (42 U.S.C. 1395w–3) is repealed.

7 (b) EFFECTIVE DATE.—

1           (1) IN GENERAL.—The repeal made by sub-  
2           section (a) shall take effect on the date of the enact-  
3           ment of this Act.

4           (2) IMPACT ON CURRENT CONTRACTS.—In the  
5           case of any contract awarded under section 1847 of  
6           the Social Security Act before the date of the repeal  
7           of such section—

8                     (A) the contract is terminated;

9                     (B) no payment shall be made under title  
10           XVIII of such Act on or after the date of the  
11           enactment of this Act based on such a contract;  
12           and

13                    (C) to the extent that any damages may be  
14           applicable as a result of the termination of such  
15           contracts, such damages shall be payable from  
16           the Federal Supplementary Medical Insurance  
17           Trust Fund under section 1841 of such Act.

18           (3) CONSTRUCTION.—Nothing in this sub-  
19           section shall be construed to provide an independent  
20           cause of action or right to administrative or judicial  
21           review with regard to the termination provided  
22           under this subsection.

23           (c) PAY-FOR THROUGH CHANGE IN COVERED ITEM  
24           UPDATE.—Section 1834(a)(14) of the Social Security Act  
25           (42 U.S.C. 1395m(a)(14)) is amended by redesignating

1 subparagraph (M) as subparagraph (O) and by striking  
2 subparagraphs (K) and (L) and inserting the following:

3 “(K) for 2010, 2011, and 2012—

4 “(i) in the case of complex rehabilita-  
5 tive power wheelchairs recognized by the  
6 Secretary as classified within group 3 or  
7 higher, the percentage increase in the con-  
8 sumer price index for all urban consumers  
9 (U.S. urban average) for the 12-month pe-  
10 riod ending with June of the previous year;  
11 and

12 “(ii) in the case of other items and  
13 services, -0.25 percentage points;

14 “(L) for 2013, the percentage increase in  
15 the consumer price index for all urban con-  
16 sumers (U.S. urban average) for the 12-month  
17 period ending with June 2012;

18 “(M) for 2014—

19 “(i) in the case of complex rehabilita-  
20 tive power wheelchairs recognized by the  
21 Secretary as classified within group 3 or  
22 higher, the percentage increase in the con-  
23 sumer price index for all urban consumers  
24 (U.S. urban average) for the 12-month pe-

1           riod ending with June 2013 plus 2.0 per-  
2           centage points; and

3           “ (ii) in the case of other items and  
4           services, the percentage increase in the  
5           consumer price index for all urban con-  
6           sumers (U.S. urban average) for the 12-  
7           month period ending with June 2013;

8           “(N) for 2015—

9           “ (i) in the case of complex rehabilita-  
10          tive power wheelchairs recognized by the  
11          Secretary as classified within group 3 or  
12          higher, the percentage increase in the con-  
13          sumer price index for all urban consumers  
14          (U.S. urban average) for the 12-month pe-  
15          riod ending with June of the previous year;  
16          and

17          “ (ii) in the case of other items and  
18          services, -0.5 percentage points; and”.