

117TH CONGRESS
1ST SESSION

H. R. 5054

To amend title XVIII of the Social Security Act to improve the accuracy of geographic adjustment factors under the Medicare program and to permanently extend certain adjustments to such factors for certain localities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2021

Mrs. AXNE (for herself, Mr. KIND, Mr. LAHOOD, Ms. SEWELL, and Mr. SMITH of Nebraska) 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

A BILL

To amend title XVIII of the Social Security Act to improve the accuracy of geographic adjustment factors under the Medicare program and to permanently extend certain adjustments to such factors for certain localities, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Keep Physicians Serv-
5 ing Patients Act of 2021”.

1 **SEC. 2. IMPROVING THE ACCURACY OF GEOGRAPHIC AD-**
2 **JUSTMENT FACTORS.**

3 Section 1848(e)(1)(D) of the Social Security Act (42
4 U.S.C. 1395w-4(e)(1)(D)) is amended to read as follows:

5 “(D) USE OF ACCURATE DATA.—

6 “(i) IN GENERAL.—In establishing in-
7 dices and index values under this para-
8 graph, the Secretary shall use the most re-
9 cent data available relating to practice ex-
10 penses, malpractice expenses, and physi-
11 cian work effort in each fee schedule area.

12 “(ii) PRACTICE EXPENSE AND WORK
13 INDICES.—In establishing indices and
14 index values under clause (i) or (iii) of
15 subparagraph (A), the Secretary shall—

16 “(I) use the most recent market
17 data available on physician wages, or
18 if available, actual cost data for physi-
19 cian labor; and

20 “(II) not use nonphysician pro-
21 fessional wage data as a proxy for
22 physician wage data.

23 “(iii) PRACTICE EXPENSE CALCULA-
24 TION.—In calculating index values under
25 clause (i) of subparagraph (A), the Sec-
26 retary shall use the most recent office rent

1 data available or data from Federally
 2 qualified health centers (as defined in sec-
 3 tion 1861(aa)(4)) expense reports.”.

4 **SEC. 3. FLOOR FOR WORK AND PRACTICE EXPENSE GEO-**
 5 **GRAPHIC INDICES.**

6 (a) WORK GEOGRAPHIC INDEX.—Section
 7 1848(e)(1)(E) of the Social Security Act (42 U.S.C.
 8 1395w–4(e)(1)(E)) is amended—

9 (1) by striking “and before January 1, 2024,”;
 10 and

11 (2) by adding at the end the following: “Any
 12 such increase made for purposes of payment for
 13 services furnished on or after January 1, 2022, shall
 14 not be applied in a budget neutral manner.”.

15 (b) PRACTICE EXPENSE GEOGRAPHIC INDICES.—
 16 Section 1848(e)(1)(I) of the Social Security Act (42
 17 U.S.C. 1395w–4(e)(1)(I)) is amended—

18 (1) in the header, by striking “FOR SERVICES
 19 FURNISHED IN FRONTIER STATES”;

20 (2) in clause (i), by inserting “and for purposes
 21 of payment for services furnished in any State on or
 22 after January 1, 2022,” after “2011,”; and

23 (3) in clause (ii), by inserting “before January
 24 1, 2022,” after “furnished”.