

110TH CONGRESS
2D SESSION

S. 2545

To amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2008

Mr. SCHUMER (for himself and Mrs. CLINTON) 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 Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

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. MEDICARE ADVANTAGE BENCHMARK ADJUST-**
4 **MENT FOR CERTAIN LOCAL AREAS WITH VA**
5 **MEDICAL CENTERS AND FOR CERTAIN CON-**
6 **TIGUOUS AREAS.**

7 Section 1853(k) of the Social Security Act (42 U.S.C.
8 1395w-23(k)) is amended—

1 (1) in paragraph (1), in the matter preceding
2 subparagraph (A), by striking “paragraph (2)” and
3 inserting “paragraphs (2) and (4)”; and

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

6 “(4) ADJUSTMENT FOR CERTAIN MA LOCAL
7 AREAS WITH VA MEDICAL CENTERS AND FOR CER-
8 TAIN CONTIGUOUS AREAS.—

9 “(A) IN GENERAL.—In applying paragraph
10 (1) for plan year 2009 and subsequent plan
11 years, in the case of a targeted MA local area
12 described in subparagraph (B) that is contig-
13 uous to one MA local area described in sub-
14 subparagraph (C), if the applicable amounts deter-
15 mined under such paragraph for such areas for
16 a year are not equal, the applicable amount de-
17 termined under such paragraph for each of
18 such areas for the year shall be deemed to be
19 the greater of such amounts.

20 “(B) TARGETED MA LOCAL AREA.—For
21 purposes of subparagraph (A), a targeted MA
22 local area is a county—

23 “(i) that has within its boundaries a
24 facility that is an academic medical center

1 of the Department of Veterans Affairs;
2 and

3 “(ii) for which the payment amount
4 under this section for each of 2004, 2005,
5 and 2007 was determined using the
6 amount specified under subsection
7 (c)(1)(D) for such area for such year.

8 “(C) CONTIGUOUS MA LOCAL AREA.—For
9 purposes of subparagraph (A), an MA local
10 area described in this subparagraph is a county
11 that—

12 “(i) does not have within its bound-
13 aries a facility described in subparagraph
14 (B)(i); and

15 “(ii) meets the criteria described in
16 subparagraph (B)(ii).”.

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