

117TH CONGRESS  
2D SESSION

# S. 5194

To amend title XVIII of the Social Security Act to extend certain increases in payments for physicians services under the Medicare program through 2023.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2022

Mr. KENNEDY 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 extend certain increases in payments for physicians services under the Medicare program through 2023.

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 “Protecting Medicare  
5 Patients and Physicians Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the Secretary of  
8 Health and Human Services, the House of Representa-

1 tives, and the Senate should commit to take administrative  
2 and legislative actions to—

3 (1) ensure financial stability and predictability  
4 in the Medicare physician payment system;

5 (2) promote and reward value-based care inno-  
6 vation; and

7 (3) safeguard timely access to high-quality care  
8 by advancing health equity and reducing disparities.

9 **SEC. 3. EXTENSION OF SUPPORT FOR PHYSICIANS AND**  
10 **OTHER PROFESSIONALS IN ADJUSTING TO**  
11 **MEDICARE PAYMENT CHANGES.**

12 (a) IN GENERAL.—Section 1848 of the Social Secu-  
13 rity Act (42 U.S.C. 1395w–4) is amended—

14 (1) in subsection (c)(2)(B)(iv)(V), by striking  
15 “or 2022” and inserting “, 2022, or 2023”; and

16 (2) in subsection (t)—

17 (A) in the heading, by striking “AND  
18 2022” and inserting “, 2022, AND 2023”;

19 (B) in paragraph (1)—

20 (i) by striking “and 2022” and insert-  
21 ing “, 2022, and 2023”;

22 (ii) in subparagraph (A), by striking  
23 “and” at the end;

1 (iii) in subparagraph (B), by striking  
2 the period at the end and inserting “;  
3 and”; and

4 (iv) by adding at the end the following  
5 new subparagraph:

6 “(C) such services furnished on or after  
7 January 1, 2023, and before January 1, 2024,  
8 by 4.42 percent.”; and

9 (C) in paragraph (2)(C)—

10 (i) in the heading, by striking “AND  
11 2022” and inserting “, 2022 AND 2023”; and

12 (ii) by striking “or 2022” each place  
13 it appears and inserting “, 2022, or  
14 2023”.

15 (b) TEMPORARY SUSPENSION OF PAYGO MEDICARE  
16 SEQUESTRATION.—During the period beginning on the  
17 date of enactment of this Act and ending on December  
18 31, 2023, the Medicare programs under title XVIII of the  
19 Social Security Act (42 U.S.C. 1395 et seq.) shall be ex-  
20 empt from reduction under any sequestration order issued  
21 under the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.  
22 931 et seq.) before, on, or after the date of enactment  
23 of this Act.

24 (c) TRANSFER OF RETURNED PROVIDER RELIEF  
25 FUNDS.—Section 1150C of the Social Security Act (42

1 U.S.C. 1320b–26) is amended by adding at the end the  
2 following new subsection:

3       “(f) TRANSFER OF RETURNED FUNDS.—The Sec-  
4 retary shall provide for the transfer to the Federal Supple-  
5 mentary Medical Insurance Trust Fund under section  
6 1841 of any amounts returned to the Secretary by an eli-  
7 gible health care provider under this section that are unob-  
8 ligated as of the date of the enactment of this sub-  
9 section.”.

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