

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8871
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “DME Scammer Pre-
3 vention Act”.

**4 SEC. 2. PROMOTING MEDICARE PROGRAM INTEGRITY WITH
5 RESPECT TO CERTAIN MEDICAL EQUIPMENT
6 AND SUPPLIES.**

7 (a) ELECTRONIC SUBMISSION OF CLAIMS BY ALL
8 PROVIDERS AND SUPPLIERS.—Section 1862(h) of the So-
9 cial Security Act (42 U.S.C. 1395y(h)) is amended—

10 (1) in paragraph (1)(A)(ii), by striking “the en-
11 tity” and inserting “except in the case of claims for
12 specified items (as defined in paragraph (3)), the en-
13 tity”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(3) For purposes of paragraph (1)(A)(ii), the term
17 ‘specified items’ means medical equipment and supplies
18 (as defined in section 1834(j)(5)) furnished on or after

1 January 1, 2027, that are included on the Master List
2 described in section 1834(a)(23).”.

3 (b) SUBMISSION OF CLAIMS WITHIN 90 DAYS.—Sec-
4 tion 1842(b)(3) of the Social Security Act (42 U.S.C.
5 1395u(b)(3)) is amended—

6 (1) in subparagraph (B), in the flush matter
7 following clause (ii), by inserting “(or, in the case of
8 claims for applicable items, the period ending 90
9 days after such date of service)” after “date of serv-
10 ice”; and

11 (2) in the flush matter following subparagraph
12 (L)—

13 (A) in the sixth sentence—

14 (i) by inserting “or end of the 90-day
15 period specified in such subparagraph (as
16 applicable)” after “close of the following
17 calendar year”; and

18 (ii) by inserting “or end of such pe-
19 riod (as applicable)” after “close of such
20 year”;

21 (B) in the ninth sentence, by inserting “or
22 90-day period (as applicable)” after “1 calendar
23 year period”; and

24 (C) by adding at the end the following new
25 sentence: “For purposes of subparagraph (B),

1 the term ‘applicable items’ means specified
2 items (as defined in section 1862(h)(3)), other
3 than any such item that is included on the Re-
4 quired Face-to-Face Encounter and Written
5 Order Prior to Delivery List described in sec-
6 tion 410.38(c)(8) of title 42, Code of Federal
7 Regulations (or a successor regulation) or on
8 the Required Prior Authorization List described
9 in section 414.234(c)(1) of title 42 of such
10 Code (or a successor regulation) or for which
11 payment is made on a monthly rental basis.”.

12 (c) REPORT.—

13 (1) IN GENERAL.—Not later than January 1,
14 2030, the Comptroller General of the United States
15 shall submit to Congress a report on the technology
16 used by medicare administrative contractors to
17 screen claims for specified items to identify errors or
18 indicators of potential waste, fraud, or abuse. Such
19 report shall include, with respect to the 1-year pe-
20 riod beginning on January 1, 2027—

21 (A) an examination of—

22 (i) the total number of such claims
23 submitted during such period for which
24 payment was initially denied on the basis
25 of such screening technology; and

1 (ii) the total number of claims so de-
2 nied for which payment was ultimately
3 made; and

4 (B) an examination of the extent to which
5 the use of such screening technology (taking
6 into account the amendments made by sub-
7 sections (a) and (b)) assists in the identification
8 of—

9 (i) suspicious claims or aberrant bill-
10 ing practices that may be indicative of im-
11 proper payments; and

12 (ii) the basis of claims denials.

13 (2) DEFINITIONS.—In this subsection:

14 (A) MEDICARE ADMINISTRATIVE CON-
15 TRACTOR.—The term “medicare administrative
16 contractor” has the meaning given such term in
17 section 1874A(a)(3) of the Social Security Act
18 (42 U.S.C. 1395kk-1(a)(3)).

19 (B) SPECIFIED ITEMS.—The term “speci-
20 fied items” has the meaning given such term in
21 section 1862(h)(3) of the Social Security Act,
22 as added by subsection (a).

