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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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**IN THE HOUSE OF REPRESENTATIVES**

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

\_\_\_\_\_  
**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 2023”.

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, 2024, 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, 2024,” after “2011,”; and

23 (3) in clause (ii), by inserting “before January  
24 1, 2024,” after “furnished”.