

1395w-24(b)(1)(C)(iv)¹ of this title and without regard to any premium adjustment effected under sections 1395r(h) and 1395w-29(f)¹ of this title and without regard to any premium adjustment under section 1395r(i) of this title.

(Aug. 14, 1935, ch. 531, title XVIII, §1844, as added Pub. L. 89-97, title I, §102(a), July 30, 1965, 79 Stat. 313; amended Pub. L. 90-248, title I, §167, Jan. 2, 1968, 81 Stat. 874; Pub. L. 92-603, title II, §203(e), Oct. 30, 1972, 86 Stat. 1377; Pub. L. 97-248, title I, §124(c), Sept. 3, 1982, 96 Stat. 364; Pub. L. 98-21, title VI, §606(a)(3)(F), (G), Apr. 20, 1983, 97 Stat. 171; Pub. L. 98-369, div. B, title III, §2354(b)(16), July 18, 1984, 98 Stat. 1101; Pub. L. 100-360, title II, §211(c)(2), July 1, 1988, 102 Stat. 738; Pub. L. 101-234, title II, §202(a), Dec. 13, 1989, 103 Stat. 1981; Pub. L. 105-33, title IV, §4571(b)(2), Aug. 5, 1997, 111 Stat. 464; Pub. L. 106-554, §1(a)(6) [title VI, §606(a)(2)(D)], Dec. 21, 2000, 114 Stat. 2763, 2763A-558; Pub. L. 108-173, title II, §222(l)(2)(C), 241(b)(2)(B), title VIII, §811(b)(2), Dec. 8, 2003, 117 Stat. 2206, 2221, 2368; Pub. L. 111-5, div. B, title IV, §4103(a)(2), Feb. 17, 2009, 123 Stat. 487.)

REFERENCES IN TEXT

Section 1395w-24(b)(1)(C)(iv) of this title, referred to in subsec. (c), was redesignated section 1395w-24(b)(1)(C)(v) of this title by Pub. L. 111-148, title III, §3202(b)(1)(B), Mar. 23, 2010, 124 Stat. 454, and subsequently redesignated section 1395w-24(b)(1)(C)(viii) of this title by Pub. L. 111-152, title I, §1102(d)(2), Mar. 30, 2010, 124 Stat. 1045.

Section 1395w-29 of this title, referred to in subsec. (c), was repealed by Pub. L. 111-152, title I, §1102(f), Mar. 30, 2010, 124 Stat. 1046.

AMENDMENTS

2009—Subsec. (a)(2), (3). Pub. L. 111-5 in par. (2) substituted “; plus” for period at end and added par. (3).

2003—Subsec. (a)(1)(B)(ii). Pub. L. 108-173, §811(b)(2)(A)(i), substituted “minus” for “plus”.

Subsec. (a)(1)(C). Pub. L. 108-173, §811(b)(2)(A)(ii), added subpar. (C).

Subsec. (c). Pub. L. 108-173, §811(b)(2)(B), inserted “and without regard to any premium adjustment under section 1395r(i) of this title” before period at end.

Pub. L. 108-173, §241(b)(2)(B), inserted “and without regard to any premium adjustment effected under sections 1395r(h) and 1395w-29(f) of this title” before period at end.

Pub. L. 108-173, §222(l)(2)(C), inserted “or any credits provided under section 1395w-24(b)(1)(C)(iv) of this title” after “section 1395w-24(f)(1)(E) of this title”.

2000—Subsec. (c). Pub. L. 106-554 added subsec. (c).

1997—Subsec. (a)(1)(A)(i), (B)(i). Pub. L. 105-33 substituted “section 1395r(a)(3) of this title” for “section 1395r(a)(3) or 1395r(e) of this title, as the case may be”.

1989—Subsec. (a). Pub. L. 101-234 repealed Pub. L. 100-360, §211(c)(2), and provided that the provisions of law amended or repealed by such section are restored or revised as if such section had not been enacted, see 1988 Amendment note below.

1988—Subsec. (a). Pub. L. 100-360 inserted at end “In computing the amount of aggregate premiums and premiums per enrollee under paragraph (1), there shall not be taken into account premiums attributable to section 1395r(g) of this title or section 59B of the Internal Revenue Code of 1986.”

1984—Subsec. (a)(1)(B)(ii). Pub. L. 98-369 substituted “; plus” for a period.

1983—Subsec. (a)(1)(A)(i). Pub. L. 98-21, §606(a)(3)(F), substituted “section 1395r(a)(1)” for “section

1395r(c)(1)” and “section 1395r(a)(3) or 1395r(e)” for “section 1395r(c)(3) or 1395r(g)”.

Subsec. (a)(1)(B)(i). Pub. L. 98-21, §606(a)(3)(G), substituted “1395r(a)(4)” for “1395r(c)(4)” and “1395r(a)(3) or 1395r(e)” for “1395r(c)(3) or 1395r(g)”.

1982—Subsec. (a)(1)(A)(i), (B)(i). Pub. L. 97-248 substituted “section 1395r(c)(3) or 1395r(g) of this title, as the case may be” for “section 1395r(c)(3) of this title”.

1972—Subsec. (a)(1). Pub. L. 92-603 designated existing provisions as subpar. (A), substituted provisions relating to Government contributions equal to aggregate premiums payable for a month for enrollees age 65 and over under this part and deposited in Trust Fund, and multiplied by specified ratio, for provisions relating to Government contributions equal to aggregate premiums payable under this part and deposited in Trust Fund, and added subpar. (B).

1968—Subsec. (a). Pub. L. 90-248, §167(a), designated existing provisions as par. (1), inserted provision for deposit of Government contribution in Trust Fund, and added par. (2).

Subsec. (b). Pub. L. 90-248, §167(b), substituted “1969” for “1967”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 222(l)(2)(C) of Pub. L. 108-173 applicable with respect to plan years beginning on or after Jan. 1, 2006, see section 223(a) of Pub. L. 108-173, set out as a note under section 1395w-21 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-554 applicable to years beginning with 2003, see section 1(a)(6) [title VI, §606(b)] of Pub. L. 106-554, set out as a note under section 1395r of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-234 effective Jan. 1, 1990, and applicable to premiums for months beginning after Dec. 31, 1989, see section 202(b) of Pub. L. 101-234, set out as a note under section 401 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-360 applicable, except as otherwise specified in such amendment, to monthly premiums for months beginning with January 1989, see section 211(d) of Pub. L. 100-360, set out as a note under section 1395r of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective July 18, 1984, but not to be construed as changing or affecting any right, liability, status, or interpretation which existed (under the provisions of law involved) before that date, see section 2354(e)(1) of Pub. L. 98-369, set out as a note under section 1320a-1 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT; TRANSITIONAL RULE

Amendment by Pub. L. 98-21 applicable to premiums for months beginning with January 1984, but for months after June 1983 and before January 1984, the amount of Government contributions under subsec. (a)(1) of this section shall be computed with the actuarially adequate rate which would have been in effect but for the amendments made by this section and using the amount of the premium in effect for June 1983, see section 606(c) of Pub. L. 98-21, set out as a note under section 1395r of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-603, title II, §203(e), Oct. 30, 1972, 86 Stat. 1377, provided that the amendment made by that section is effective with respect to enrollee premiums payable for months after June 1973.

§ 1395w-1. Repealed. Pub. L. 105-33, title IV, § 4022(b)(2)(A), Aug. 5, 1997, 111 Stat. 354

Section, act Aug. 14, 1935, ch. 531, title XVIII, §1845, as added and amended Apr. 7, 1986, Pub. L. 99-272, title

¹ See References in Text note below.

IX, §9305, 100 Stat. 190; Oct. 21, 1986, Pub. L. 99-509, title IX, §§9331(e), 9344(a)(1), 100 Stat. 2021, 2042; Dec. 22, 1987, Pub. L. 100-203, title IV, §§4045(b), 4083(a)(1), (c)(1), 4085(a), (i)(8), 101 Stat. 1330-87, 1330-129, 1330-130, 1330-132; July 1, 1988, Pub. L. 100-360, title IV, §411(i)(4)(A), 102 Stat. 788; Nov. 10, 1988, Pub. L. 100-647, title VIII, §8425(a), 102 Stat. 3803; Nov. 5, 1990, Pub. L. 101-508, title IV, §§4002(g)(3), 4118(j)(1), 104 Stat. 1388-37, 1388-70; Oct. 31, 1994, Pub. L. 103-432, title I, §126(g)(8), 108 Stat. 4416, related to Physician Payment Review Commission.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1997, the date of termination of the Prospective Payment Assessment Commission and the Physician Payment Review Commission, see section 4022(c)(2) of Pub. L. 105-33 set out as an Effective Date; Transition; Transfer of Functions note under section 1395b-6 of this title.

§ 1395w-2. Intermediate sanctions for providers or suppliers of clinical diagnostic laboratory tests

(a) If the Secretary determines that any provider or clinical laboratory approved for participation under this subchapter no longer substantially meets the conditions of participation or for coverage specified under this subchapter with respect to the provision of clinical diagnostic laboratory tests under this part, the Secretary may (for a period not to exceed one year) impose intermediate sanctions developed pursuant to subsection (b) of this section, in lieu of terminating immediately the provider agreement or cancelling immediately approval of the clinical laboratory.

(b)(1) The Secretary shall develop and implement—

(A) a range of intermediate sanctions to apply to providers or clinical laboratories under the conditions described in subsection (a), and

(B) appropriate procedures for appealing determinations relating to the imposition of such sanctions.

(2)(A) The intermediate sanctions developed under paragraph (1) shall include—

(i) directed plans of correction,

(ii) civil money penalties in an amount not to exceed \$10,000 for each day of substantial noncompliance,

(iii) payment for the costs of onsite monitoring by an agency responsible for conducting surveys, and

(iv) suspension of all or part of the payments to which a provider or clinical laboratory would otherwise be entitled under this subchapter with respect to clinical diagnostic laboratory tests furnished on or after the date on which the Secretary determines that intermediate sanctions should be imposed pursuant to subsection (a) of this section.

The provisions of section 1320a-7a of this title (other than subsections (a) and (b)) shall apply to a civil money penalty under clause (ii) in the same manner as such provisions apply to a penalty or proceeding under section 1320a-7a(a) of this title.

(B) The sanctions specified in subparagraph (A) are in addition to sanctions otherwise available under State or Federal law.

(3) The Secretary shall develop and implement specific procedures with respect to when and

how each of the intermediate sanctions developed under paragraph (1) is to be applied, the amounts of any penalties, and the severity of each of these penalties. Such procedures shall be designed so as to minimize the time between identification of violations and imposition of these sanctions and shall provide for the imposition of incrementally more severe penalties for repeated or uncorrected deficiencies.

(Aug. 14, 1935, ch. 531, title XVIII, §1846, as added Pub. L. 100-203, title IV, §4064(d)(1), Dec. 22, 1987, 101 Stat. 1330-111; amended Pub. L. 100-360, title II, §203(e)(4), title IV, §411(g)(3)(G), July 1, 1988, 102 Stat. 725, 784; Pub. L. 100-485, title VI, §608(d)(22)(C), Oct. 13, 1988, 102 Stat. 2421; Pub. L. 101-234, title II, §201(a), Dec. 13, 1989, 103 Stat. 1981; Pub. L. 101-508, title IV, §4154(e)(2), Nov. 5, 1990, 104 Stat. 1388-86.)

AMENDMENTS

1990—Pub. L. 101-508 substituted “providers or suppliers of” for “providers of” in section catchline.

1989—Pub. L. 101-234 repealed Pub. L. 100-360, §203(e)(4), and provided that the provisions of law amended or repealed by such section are restored or revived as if such section had not been enacted, see 1988 Amendment notes below.

1988—Pub. L. 100-360, §203(e)(4)(A), inserted “and for qualified home intravenous drug therapy providers” at end of section catchline.

Subsec. (a). Pub. L. 100-360, §411(g)(3)(G)(i)(I), as amended by Pub. L. 100-485, substituted “approved” for “certified”.

Pub. L. 100-360, §411(g)(3)(G)(i)(II), inserted “or for coverage” after “conditions of participation”.

Pub. L. 100-360, §411(g)(3)(G)(i)(III), which directed amendment of subsec. (a) by substituting “terminating immediately the provider agreement or cancelling immediately approval of the clinical laboratory” for “cancelling immediately the certification of the provider or clinical laboratory”, was executed by making the substitution for “canceling immediately the certification of the provider or clinical laboratory” to reflect the probable intent of Congress.

Pub. L. 100-360, §203(e)(4)(B), inserted “or that a qualified home intravenous drug therapy provider that is certified for participation under this subchapter no longer substantially meets the requirements of section 1395x(jj)(3) of this title” after “under this part”.

Subsec. (b)(1)(A). Pub. L. 100-360, §411(g)(3)(G)(ii), struck out “certified” before “clinical laboratories”.

Subsec. (b)(2)(A). Pub. L. 100-360, §411(g)(3)(G)(iv), inserted at end “The provisions of section 1320a-7a of this title (other than subsections (a) and (b)) shall apply to a civil money penalty under clause (ii) in the same manner as such provisions apply to a penalty or proceeding under section 1320a-7a(a) of this title.”

Subsec. (b)(2)(A)(ii). Pub. L. 100-360, §411(g)(3)(G)(iii), substituted “civil money penalties in an amount not to exceed \$10,000 for each day of substantial noncompliance” for “civil fines and penalties”.

Subsec. (b)(2)(A)(iii). Pub. L. 100-360, §411(g)(3)(G)(v), struck out “certification” before “surveys”.

Subsec. (b)(2)(A)(iv). Pub. L. 100-360, §411(g)(3)(G)(ii), (vi), struck out “certified” before “clinical laboratory” and substituted “furnished on or after the date on” for “provided on or after the date in”.

Pub. L. 100-360, §203(e)(4)(C), inserted “or home intravenous drug therapy services” after “clinical diagnostic laboratory tests”.

Subsec. (b)(3). Pub. L. 100-360, §411(g)(3)(G)(vii), substituted “any penalties” for “any fines” and “severe penalties” for “severe fines”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective as if included in the enactment of the Omnibus Budget Reconcili-