

1 (2) *EXCEPTION.*—*The amendments made by sub-*
2 *section (b)(1) take effect on the date of enactment of*
3 *this Act.*

4 **SEC. 6409. MEDICARE SELF-REFERRAL DISCLOSURE PRO-**
5 **TOCOL.**

6 (a) *DEVELOPMENT OF SELF-REFERRAL DISCLOSURE*
7 *PROTOCOL.*—

8 (1) *IN GENERAL.*—*The Secretary of Health and*
9 *Human Services, in cooperation with the Inspector*
10 *General of the Department of Health and Human*
11 *Services, shall establish, not later than 6 months after*
12 *the date of the enactment of this Act, a protocol to en-*
13 *able health care providers of services and suppliers to*
14 *disclose an actual or potential violation of section*
15 *1877 of the Social Security Act (42 U.S.C. 1395nn)*
16 *pursuant to a self-referral disclosure protocol (in this*
17 *section referred to as an “SRDP”). The SRDP shall*
18 *include direction to health care providers of services*
19 *and suppliers on—*

20 (A) *a specific person, official, or office to*
21 *whom such disclosures shall be made; and*

22 (B) *instruction on the implication of the*
23 *SRDP on corporate integrity agreements and*
24 *corporate compliance agreements.*

1 (2) *PUBLICATION ON INTERNET WEBSITE OF*
2 *SRDP INFORMATION.*—*The Secretary of Health and*
3 *Human Services shall post information on the public*
4 *Internet website of the Centers for Medicare & Med-*
5 *icaid Services to inform relevant stakeholders of how*
6 *to disclose actual or potential violations pursuant to*
7 *an SRDP.*

8 (3) *RELATION TO ADVISORY OPINIONS.*—*The*
9 *SRDP shall be separate from the advisory opinion*
10 *process set forth in regulations implementing section*
11 *1877(g) of the Social Security Act.*

12 (b) *REDUCTION IN AMOUNTS OWED.*—*The Secretary*
13 *of Health and Human Services is authorized to reduce the*
14 *amount due and owing for all violations under section 1877*
15 *of the Social Security Act to an amount less than that speci-*
16 *fied in subsection (g) of such section. In establishing such*
17 *amount for a violation, the Secretary may consider the fol-*
18 *lowing factors:*

19 (1) *The nature and extent of the improper or il-*
20 *legal practice.*

21 (2) *The timeliness of such self-disclosure.*

22 (3) *The cooperation in providing additional in-*
23 *formation related to the disclosure.*

24 (4) *Such other factors as the Secretary considers*
25 *appropriate.*

1 (c) *REPORT.*—Not later than 18 months after the date
2 on which the SRDP protocol is established under subsection
3 (a)(1), the Secretary shall submit to Congress a report on
4 the implementation of this section. Such report shall in-
5 clude—

6 (1) the number of health care providers of serv-
7 ices and suppliers making disclosures pursuant to the
8 SRDP;

9 (2) the amounts collected pursuant to the SRDP;

10 (3) the types of violations reported under the
11 SRDP; and

12 (4) such other information as may be necessary
13 to evaluate the impact of this section.

14 **SEC. 6410. ADJUSTMENTS TO THE MEDICARE DURABLE**
15 **MEDICAL EQUIPMENT, PROSTHETICS,**
16 **ORTHOTICS, AND SUPPLIES COMPETITIVE AC-**
17 **QUISITION PROGRAM.**

18 (a) *EXPANSION OF ROUND 2 OF THE DME COMPETI-*
19 *TIVE BIDDING PROGRAM.*—Section 1847(a)(1) of the Social
20 Security Act (42 U.S.C. 1395w-3(a)(1)) is amended—

21 (1) in subparagraph (B)(i)(II), by striking “70”
22 and inserting “91”; and

23 (2) in subparagraph (D)(ii)—

24 (A) in subclause (I), by striking “and” at
25 the end;