

111TH CONGRESS
1ST SESSION

H. R. 1497

To amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Mr. PAUL introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care.

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 “Treat Physicians Fair-
5 ly Act of 2009”.

6 **SEC. 2. EMERGENCY MEDICAL CARE CREDIT.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to nonrefundable personal credits) is
 2 amended by inserting after section 25D the following new
 3 section:

4 **“SEC. 25E. EMERGENCY MEDICAL CARE CREDIT.**

5 “(a) ALLOWANCE OF CREDIT.—

6 “(1) IN GENERAL.—In the case of a medical
 7 care provider, there shall be allowed as a credit
 8 against the tax imposed by this chapter for a taxable
 9 year an amount equal to 100 percent of the qualified
 10 uncompensated emergency medical care expenses in-
 11 curred by the medical care provider during the tax-
 12 able year.

13 “(2) YEAR CREDIT ALLOWED.—The credit
 14 under paragraph (1) with respect to any expense
 15 shall be allowed for the taxable year during which
 16 such expense qualifies as a qualified uncompensated
 17 emergency medical care expense.

18 “(b) QUALIFIED UNCOMPENSATED EMERGENCY
 19 MEDICAL CARE EXPENSES.—For purposes of this sec-
 20 tion—

21 “(1) IN GENERAL.—The term ‘qualified uncom-
 22 pensated emergency medical care expenses’ means
 23 the expenses incurred by a medical care provider for
 24 the provision of emergency medical care for which

1 the medical care provider has not been fully com-
2 pensated 6 months after such care is provided.

3 “(2) **MEDICAL CARE PROVIDER.**—The term
4 ‘medical care provider’ means any individual en-
5 gaged in the trade or business of providing medical
6 care.

7 “(3) **MEDICAL CARE.**—The term ‘medical care’
8 has the meaning given such term by section 213(d).

9 “(c) **DENIAL OF DOUBLE BENEFIT.**—No credit shall
10 be allowed under subsection (a) for any expense for which
11 a deduction or credit is allowed under any other provision
12 of this chapter.”.

13 (b) **CONFORMING AMENDMENT.**—The table of sec-
14 tions for subpart A of part IV of subchapter A of chapter
15 1 of such Code is amended by inserting after the item
16 relating to section 25D the following new item:

“Sec. 25E. Emergency medical care credit.”.

17 (c) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2008.

20 **SEC. 3. EMERGENCY MEDICAL CARE DEDUCTION.**

21 (a) **IN GENERAL.**—Part VI of subchapter B of chap-
22 ter 1 of the Internal Revenue Code of 1986 (relating to
23 itemized deductions for individuals and corporations) is
24 amended by inserting after section 190 the following new
25 section:

1 **“SEC. 191. EMERGENCY MEDICAL CARE DEDUCTION.**

2 “(a) ALLOWANCE OF DEDUCTION.—

3 “(1) IN GENERAL.—In the case of a hospital,
4 there shall be allowed as a deduction for a taxable
5 year an amount equal to 100 percent of the qualified
6 uncompensated emergency medical care expenses in-
7 curred by the hospital during the taxable year.

8 “(2) YEAR DEDUCTION ALLOWED.—The deduc-
9 tion under paragraph (1) with respect to any ex-
10 pense shall be allowed for the taxable year during
11 which such expense qualifies as a qualified uncom-
12 pensated emergency medical care expense.

13 “(b) QUALIFIED UNCOMPENSATED EMERGENCY
14 MEDICAL CARE EXPENSES.—For purposes of this sec-
15 tion—

16 “(1) IN GENERAL.—The term ‘qualified uncom-
17 pensated emergency medical care expenses’ means
18 the expenses incurred by a hospital for the provision
19 of emergency medical care for which the medical
20 care provider has not been fully compensated 6
21 months after such care is provided.

22 “(2) MEDICAL CARE.—The term ‘medical care’
23 has the meaning given such term by section 213(d).

24 “(c) DENIAL OF DOUBLE BENEFIT.—No deduction
25 shall be allowed under subsection (a) for any expense for

1 which a deduction or credit is allowed under any other
2 provision of this chapter.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions for part VI of subchapter B of chapter 1 of such
5 Code is amended by inserting after the item relating to
6 section 190 the following new item:

“Sec. 191. Emergency medical care deduction.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2008.

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