

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4248

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of certain antibiotics that are parenterally administered in a home setting.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Ms. GREENE of Utah introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of certain antibiotics that are parenterally administered in a home setting.

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 “Medicare Antibiotic  
5 Coverage Amendments of 1996”.

1 **SEC. 2. MEDICARE COVERAGE OF CERTAIN PARENTERALLY**  
2 **ADMINISTERED ANTIBIOTICS.**

3 (a) IN GENERAL.—Section 1861(s)(2) of the Social  
4 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) by striking “and” at the end of subpara-  
6 graphs (N) and (O);

7 (2) by redesignating subparagraph (Q) as sub-  
8 paragraph (P), and by adding “and” at the end of  
9 such subparagraph; and

10 (3) by adding at the end the following:

11 “(Q) an antibiotic described in section 1834(k)  
12 that is administered parenterally in the patient’s  
13 home (including an institution used as his home  
14 other than an institution that meets the require-  
15 ments of section 1861(e)(1) of this section or section  
16 1819(a)(1));”.

17 (b) ANTIBIOTICS DESCRIBED.—Section 1834 of such  
18 Act (42 U.S.C. 1395m) is amended by adding at the end  
19 the following:

20 “(k) For purposes of section 1861(s)(2)(Q), an anti-  
21 biotic described in this subsection is an antibiotic that can  
22 only be administered parenterally and that is being admin-  
23 istered to treat osteomyelitis, infected joint replacements,  
24 endocarditis, or a soft tissue infection.”.

1 (c) LIMITATION ON COVERAGE OF VANCOMYCIN.—  
2 Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is  
3 amended—

4 (1) by striking “or” at the end of paragraph  
5 (14),

6 (2) by striking the period at the end of para-  
7 graph (15) and inserting “; or”, and

8 (3) by inserting after paragraph (15) the fol-  
9 lowing new paragraph:

10 “(16) where such expenses are for the use of  
11 Vancomycin under section 1861(s)(2)(Q) unless such  
12 use is in accordance with guidelines established by  
13 the Centers for Disease Control and Prevention for  
14 the prudent use of such antibiotic.”.

15 (d) REDUCTION IN HOSPITAL UPDATE FOR IN-  
16 CREASES IN PAYMENTS.—Section 1886(d)(3)(C) of such  
17 Act (42 U.S.C. 1395ww(d)(3)(C)) is amended by adding  
18 at the end the following new clause:

19 “(iii) MAINTAINING BUDGET NEUTRALITY FOR  
20 COVERAGE OF CERTAIN ANTIBIOTICS.—For dis-  
21 charges occurring in a fiscal year (beginning with  
22 fiscal year 1998), the Secretary shall adjust each of  
23 such average standardized amounts so as to provide  
24 for a reduction in the total amount of the payments  
25 (attributable to this paragraph) made for such dis-

1 charges by the amount (if any) by which net pay-  
2 ments under this title for the previous fiscal year  
3 (not taking into account this clause) were increased  
4 as a result of the amendments made by the Medi-  
5 care Antibiotic Coverage Amendments of 1996.”.

6 (e) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to drugs administered on or after  
8 April 1, 1998.

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