

108TH CONGRESS  
1ST SESSION

# H. R. 2223

To amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. CAMP introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy, and Commerce, and Education and the Workforce, 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 adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant.

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 “Comprehensive Im-  
5       munosuppressive Drug Coverage for Transplant Patients  
6       Act of 2003”.

1 **SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNO-**  
 2 **SUPPRESSIVE DRUGS UNDER THE MEDICARE**  
 3 **PROGRAM.**

4 (a) IN GENERAL.—Section 1861(s)(2)(J) of the So-  
 5 cial Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended  
 6 by striking “, to an individual who receives” and all that  
 7 follows before the semicolon at the end and inserting “to  
 8 an individual who has received an organ transplant”.

9 (b) EFFECTIVE DATE.—The amendment made by  
 10 this section shall apply to drugs furnished on or after the  
 11 date of enactment of this Act.

12 **SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IM-**  
 13 **MUNOSUPPRESSIVE DRUGS UNDER THE**  
 14 **MEDICARE PROGRAM FOR ORGAN TRANS-**  
 15 **PLANT RECIPIENTS.**

16 (a) CONTINUED ENTITLEMENT TO IMMUNO-  
 17 SUPPRESSIVE DRUGS.—

18 (1) KIDNEY TRANSPLANT RECIPIENTS.—Sec-  
 19 tion 226A(b)(2) of the Social Security Act (42  
 20 U.S.C. 426–1(b)(2)) is amended by inserting “(ex-  
 21 cept for coverage of immunosuppressive drugs under  
 22 section 1861(s)(2)(J))” after “shall end”.

23 (2) OTHER TRANSPLANT RECIPIENTS.—The  
 24 flush matter following paragraph (2)(C)(ii)(II) of  
 25 section 226(b) of the Social Security Act (42 U.S.C.  
 26 426(b)) is amended by striking “of this subsection)”

1 and inserting “of this subsection and except for cov-  
2 erage of immunosuppressive drugs under section  
3 1861(s)(2)(J))”.

4 (3) APPLICATION.—Section 1836 of the Social  
5 Security Act (42 U.S.C. 1395o) is amended—

6 (A) by striking “Every individual who”  
7 and inserting “(a) IN GENERAL.—Every indi-  
8 vidual who”; and

9 (B) by adding at the end the following new  
10 subsection:

11 “(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS  
12 ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE  
13 DRUGS.—

14 “(1) IN GENERAL.—In the case of an individual  
15 whose eligibility for benefits under this title has  
16 ended except for the coverage of immunosuppressive  
17 drugs by reason of section 226(b) or 226A(b)(2), the  
18 following rules shall apply:

19 “(A) The individual shall be deemed to be  
20 enrolled under this part for purposes of receiv-  
21 ing coverage of such drugs.

22 “(B) The individual shall be responsible  
23 for the full amount of the premium under sec-  
24 tion 1839 in order to receive such coverage.

1 “(C) The provision of such drugs shall be  
2 subject to the application of—

3 “(i) the deductible under section  
4 1833(b); and

5 “(ii) the coinsurance amount applica-  
6 ble for such drugs (as determined under  
7 this part).

8 “(D) If the individual is an inpatient of a  
9 hospital or other entity, the individual is enti-  
10 tled to receive coverage of such drugs under  
11 this part.

12 “(2) ESTABLISHMENT OF PROCEDURES IN  
13 ORDER TO IMPLEMENT COVERAGE.—The Secretary  
14 shall establish procedures for—

15 “(A) identifying beneficiaries that are enti-  
16 tled to coverage of immunosuppressive drugs by  
17 reason of section 226(b) or 226A(b)(2); and

18 “(B) distinguishing such beneficiaries from  
19 beneficiaries that are enrolled under this part  
20 for the complete package of benefits under this  
21 part.”.

22 (4) TECHNICAL AMENDMENT.—Subsection (c)  
23 of section 226A of the Social Security Act (42  
24 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii)  
25 of the Social Security Independence and Program

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

17 (a) APPLICATION TO CERTAIN HEALTH INSURANCE  
18 COVERAGE.—

23 **“SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

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1 group health plan) shall provide coverage of immuno-  
 2 suppressive drugs that is at least as comprehensive as the  
 3 coverage provided by such plan or issuer on the day before  
 4 the date of enactment of the Comprehensive Immuno-  
 5 suppressive Drug Coverage for Transplant Patients Act  
 6 of 2003, and such requirement shall be deemed to be in-  
 7 corporated into this section.”.

8 (2) CONFORMING AMENDMENT.—Section  
 9 2721(b)(2)(A) of the Public Health Service Act (42  
 10 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting  
 11 “(other than section 2707)” after “requirements of  
 12 such subparts”.

13 (b) APPLICATION TO GROUP HEALTH PLANS AND  
 14 GROUP HEALTH INSURANCE COVERAGE UNDER THE EM-  
 15 PLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

16 (1) IN GENERAL.—Subpart B of part 7 of sub-  
 17 title B of title I of the Employee Retirement Income  
 18 Security Act of 1974 (29 U.S.C. 1185 et seq.) is  
 19 amended by adding at the end the following new sec-  
 20 tion:

21 **“SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

22 “A group health plan (and a health insurance issuer  
 23 offering health insurance coverage in connection with a  
 24 group health plan) shall provide coverage of immuno-  
 25 suppressive drugs that is at least as comprehensive as the

1 coverage provided by such plan or issuer on the day before  
 2 the date of enactment of the Comprehensive Immuno-  
 3 suppressive Drug Coverage for Transplant Patients Act  
 4 of 2003, and such requirement shall be deemed to be in-  
 5 corporated into this section.”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Section 732(a) of the Employee Retire-  
 8 ment Income Security Act of 1974 (29 U.S.C.  
 9 1185(a)) is amended by striking “section 711”  
 10 and inserting “sections 711 and 714”.

11 (B) The table of contents in section 1 of  
 12 the Employee Retirement Income Security Act  
 13 of 1974 is amended by inserting after the item  
 14 relating to section 713 the following new item:

“Sec. 714. Coverage of immunosuppressive drugs.”.

15 (c) APPLICATION TO GROUP HEALTH PLANS UNDER  
 16 THE INTERNAL REVENUE CODE OF 1986.—Subchapter B  
 17 of chapter 100 of the Internal Revenue Code of 1986 is  
 18 amended—

19 (1) in the table of sections, by inserting after  
 20 the item relating to section 9812 the following new  
 21 item:

“Sec. 9813. Coverage of immunosuppressive drugs.”;

22 and

23 (2) by inserting after section 9812 the fol-  
 24 lowing:

1 **“SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

2       “A group health plan shall provide coverage of im-  
3 munosuppressive drugs that is at least as comprehensive  
4 as the coverage provided by such plan on the day before  
5 the date of enactment of the Comprehensive Immuno-  
6 suppressive Drug Coverage for Transplant Patients Act  
7 of 2003, and such requirement shall be deemed to be in-  
8 corporated into this section.”.

9       (d) **EFFECTIVE DATE.**—The amendments made by  
10 this section shall apply to plan years beginning on or after  
11 January 1, 2004.

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