

109TH CONGRESS
2D SESSION

H. R. 5791

To amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2006

Ms. GRANGER (for herself, Mr. ENGEL, Mr. KUHLMANN of New York, and Ms. BALDWIN) introduced the following bill; which was referred to the Committee on Energy and 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

A BILL

To amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare Program.

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 Home Infu-
5 sion Therapy Consolidated Coverage Act of 2006”.

1 **SEC. 2. CONSOLIDATION OF MEDICARE COVERAGE OF**
2 **HOME INFUSION THERAPY UNDER PART B.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by striking “and” at the end of sub-
7 paragraph (Z);

8 (B) by adding “and” at the end of sub-
9 paragraph (AA); and

10 (C) by adding at the end the following new
11 subparagraph:

12 “(BB) home infusion therapy (as defined in
13 subsection (ccc)(1));”; and

14 (2) by adding at the end the following new sub-
15 section: “

16 “Home Infusion Therapy

17 “(ccc)(1) The term ‘home infusion therapy’ means
18 the following items and services furnished to an individual,
19 who is under the care of a physician, which are provided,
20 except as provided in subparagraph (B), by a qualified
21 home infusion therapy provider under a plan (for fur-
22 nishing such items and services to such individual) estab-
23 lished and periodically reviewed by a physician, which
24 items and services are provided in an integrated manner
25 in the individual’s home in conformance with clinical
26 standards of care established by the Secretary (after tak-

1 ing into account the standards commonly used for home
2 infusion therapy by Medicare Advantage organizations
3 and accreditation organizations)—

4 “(A) infusion drugs (as defined in para-
5 graph (2)(B));

6 “(B) nursing services provided, directly or
7 by an accredited homecare organization under
8 arrangements made, by the qualified home infu-
9 sion therapy provider, in connection with such
10 infusion; and

11 “(C) other professional services (including
12 pharmacy and care coordination services) and
13 related items and services (including medical
14 supplies, intravenous fluids, home delivery,
15 equipment, and other items and services the
16 Secretary determines appropriate) to administer
17 infusion drug therapies to an individual safely
18 and effectively in the home;

19 except that such term does not include nursing serv-
20 ices to the extent they are covered as home health
21 services.

22 “(2) For purposes of paragraph (1):

23 “(A) The term ‘home’ means a place of
24 residence used as an individual’s home and in-

cludes such alternate settings as the Secretary determines.

“(B) The term ‘infusion drugs’ means parenteral drugs and biologicals administered via an intravenous, intraspinal, intra-arterial, intrathecal, subcutaneous, or intramuscular access device inserted into the body.

“(C) The term ‘qualified home infusion therapy provider’ means any pharmacy that—

“(i) has expertise in the preparation of compounded sterile preparations in compliance with enforceable standards of the U.S. Pharmacopoeia or other nationally recognized standards that regulate compounding of sterile preparations as determined by the Secretary;

“(ii) provides infusion therapy to patients with acute or chronic conditions requiring parenteral administration of drugs and biologicals administered through catheters or needles, or both, in a home; and

“(iii) meets such requirements as the Secretary determines are necessary to ensure the safe and effective provision of home infusion therapy (taking into account

1 the standards of care for home infusion
2 therapy established by private payers).”.

3 (b) PAYMENT FOR HOME INFUSION THERAPY.—

4 (1) IN GENERAL.—Section 1834 of such Act
5 (42 U.S.C. 1395m) is amended by adding at the end
6 the following new subsection:

7 “(n) PAYMENT FOR HOME INFUSION THERAPY.—
8 The payment amount under this part for home infusion
9 therapy is determined as follows:

10 “(1) IN GENERAL.—Except as provided in this
11 subsection, the Secretary shall determine a per diem
12 schedule for payment for home infusion therapy (in-
13 cluding pharmacy services, administration services,
14 care coordination services, supplies and equipment
15 necessary to safely and properly administer a home
16 infusion drug or biological in accordance with the re-
17 quirements and clinical standards commonly used
18 for home infusion therapy) which reflects the reason-
19 able costs which must be incurred by efficiently and
20 economically operated qualified home infusion ther-
21 apy providers to provide such therapy in conformity
22 with applicable State and Federal laws, regulations,
23 and quality and safety standards and to assure that
24 Medicare beneficiaries have reasonable access to
25 such therapy.

1 “(2) INFUSION DRUGS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the provisions of section
4 1847A shall apply to payment under this part
5 for drugs included in home infusion therapy.

6 “(B) SPECIAL RULE.—In applying sub-
7 paragraph (A), the determination of average
8 sales prices under section 1847A shall be lim-
9 ited to such prices for infusion drug sales to
10 home infusion therapy pharmacies.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 1833(a)(1) of such Act (42
13 U.S.C. 1395l(a)(1)) is amended by striking
14 “and” before “(V)” and by inserting before the
15 semicolon at the end the following: “, and (W)
16 with respect to home infusion therapy, the
17 amounts paid shall be determined under section
18 1834(n)”.

19 (B) The first sentence of section
20 1842(b)(6) of such Act (42 U.S.C.
21 1395u(b)(6)) is amended by striking “and” be-
22 fore “(H)” and by inserting before the period
23 at the end the following: “, and (I) in the case
24 of home infusion therapy, payment shall be
25 made to the qualified home infusion therapy

1 provider responsible for furnishing the ther-
2 apy”.

3 (c) OTHER CONFORMING PROVISIONS.—

4 (1) EXCLUSION FROM DURABLE MEDICAL
5 EQUIPMENT BENEFIT.—Section 1861(n) of such Act
6 (42 U.S.C. 1395x(n)) is amended by adding at the
7 end the following: “Such term does not include home
8 infusion therapy.”.

9 (2) APPLICATION OF ACCREDITATION ORGANI-
10 ZATION PROVISIONS.—The provisions of section
11 1865(b) of the Social Security Act apply to accredi-
12 tation of qualified home infusion therapy providers.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to home infusion therapy furnished
15 on or after January 1, 2007.

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