

111TH CONGRESS
2^D SESSION

H. R. 5597

To establish a Medicare patient IVIG access demonstration project.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2010

Ms. MATSUI (for herself, Mr. RUSH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. GERLACH, Mr. TERRY, Mr. BRADY of Texas, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 establish a Medicare patient IVIG access demonstration project.

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. MEDICARE PATIENT IVIG ACCESS DEMONSTRA-**
4 **TION PROJECT.**

5 (a) ESTABLISHMENT.—The Secretary shall establish
6 and implement a demonstration project under title XVIII
7 of the Social Security Act to evaluate the benefits of pro-
8 viding payment for items and services needed for the ad-

1 ministration, within the homes of Medicare beneficiaries,
2 of intravenous immune globin for the treatment of pri-
3 mary immune deficiency diseases.

4 (b) DURATION AND SCOPE.—

5 (1) DURATION.—Beginning not later than Jan-
6 uary 1, 2011, the Secretary shall conduct the dem-
7 onstration project for a period of 3 years.

8 (2) SCOPE.—The Secretary shall enroll not
9 greater than 4,000 Medicare beneficiaries who have
10 been diagnosed with primary immunodeficiency dis-
11 ease for participation in the demonstration project.
12 A Medicare beneficiary may participate in the dem-
13 onstration project on a voluntary basis and may ter-
14minate participation at any time.

15 (c) REIMBURSEMENT.—The Secretary shall establish
16 an hourly rate for payment for items and services needed
17 for the administration of intravenous immune globin based
18 on the low-utilization payment adjustment under the pro-
19 spective payment system for home health services estab-
20 lished under section 1895 of the Social Security Act (42
21 U.S.C. 1395fff).

22 (d) STUDY AND REPORT TO CONGRESS.—

23 (1) INTERIM EVALUATION AND REPORT.—Not
24 later than 24 months after the date of enactment of

1 this Act, the Secretary shall submit to Congress a
2 report that contains the following:

3 (A) An interim evaluation of the impact of
4 the demonstration project on access for Medi-
5 care beneficiaries to items and services needed
6 for the administration of intravenous immune
7 globin within the home.

8 (B) An analysis of the appropriateness of
9 implementing a new methodology for payment
10 for intravenous immune globulins in all care
11 settings under part B of title XVIII of the So-
12 cial Security Act (42 U.S.C. 1395k et seq.).

13 (C) An analysis of the feasibility of reduc-
14 ing the lag time with respect to data used to
15 determine the average sales price under section
16 1847A of the Social Security Act (42 U.S.C.
17 1395w-3a).

18 (D) An update to the report entitled
19 “Analysis of Supply, Distribution, Demand, and
20 Access Issues Associated with Immune Globulin
21 Intravenous (IGIV)”, issued in February 2007
22 by the Office of the Assistant Secretary for
23 Planning and Evaluation of the Department of
24 Health and Human Services.

1 (2) FINAL EVALUATION AND REPORT.—Not
2 later than July 1, 2014, the Secretary shall submit
3 to Congress a report that contains a final evaluation
4 of the impact of the demonstration project on access
5 for Medicare beneficiaries to items and services
6 needed for the administration of intravenous im-
7 mune globin within the home.

8 (e) OFFSET.—

9 (1) IN GENERAL.—Section 1861(n) of the So-
10 cial Security Act (42 U.S.C. 1395x(n)) is amended
11 by adding at the end the following: “Such term in-
12 cludes disposable drug delivery systems, including
13 elastomeric infusion pumps, for the treatment of
14 colorectal cancer.”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall apply to items furnished on
17 or after the date of enactment of this Act.

18 (f) DEFINITIONS.—In this section:

19 (1) DEMONSTRATION PROJECT.—The term
20 “demonstration project” means the demonstration
21 project conducted under this section.

22 (2) MEDICARE BENEFICIARY.—The term
23 “Medicare beneficiary” means an individual who is
24 entitled to, or enrolled for, benefits under part A of

1 title XVIII of the Social Security Act or enrolled for
2 benefits under part B of such title.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Health and Human Services.

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