H. R. 1018

To amend title XVIII of the Social Security Act to provide coverage of certain disposable medical technologies under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 20, 2015

Mrs. ELLMERS of North Carolina (for herself, Mr. BUTTERFIELD, and Mrs. BLACKBURN) 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 coverage of certain disposable medical technologies under the Medicare program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Access to Disposable Medical Technology Act of 2015”.

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5 posable Medical Technology Act of 2015”.


SEC. 2. COVERAGE OF CERTAIN DISPOSABLE MEDICAL TECHNOLOGIES UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“Substitute Disposable Medical Technology

“(iii) The term ‘substitute disposable medical technology’ means medical equipment that—

“(1) is primarily and customarily used to serve a medical purpose;

“(2) would otherwise be covered as durable medical equipment under this title but for the fact that such equipment is not durable (as defined by the Secretary for purposes of coverage of durable medical equipment under this title); and

“(3) the Secretary determines substitutes for durable medical equipment.”.

(b) PAYMENT PROVISIONS.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) is amended by adding at the end the following new paragraph:

“(23) SPECIAL PAYMENT RULE FOR SUBSTITUTE DISPOSABLE MEDICAL TECHNOLOGIES.—Notwithstanding the preceding provisions of this subsection, the Secretary shall determine the payment amount under this subsection for a substitute
disposable medical technology (as defined in section 1861(iii)), and for any services and supplies used in conjunction with such technology, in accordance with the following:

“(A) SINGLE PAYMENT AMOUNT.—The Secretary shall determine a single payment amount that shall be paid for a substitute disposable medical technology and for any services and supplies used in conjunction with such technology. A payment for such a technology and for any such services and supplies that is made in the amount of such single payment amount shall constitute full payment under this title for such technology and such services and supplies.

“(B) CALCULATION OF PAYMENT AMOUNT.—The single payment amount described in subparagraph (A) for a substitute disposable medical technology and for any services and supplies used in conjunction with such technology shall be calculated by—

“(i) calculating the sum of the amounts of payment that otherwise would be made under this section for—
“(I) the item of durable medical equipment for which the Secretary determines, pursuant to section 1861(iii)(3), that such substitute disposable medical technology substitutes; and

“(II) all services and supplies used in conjunction with such item of durable medical equipment;

“(ii) calculating the amount that is 95 percent of the sum calculated under clause (i); and

“(iii) calculating the single payment amount for the substitute disposable medical technology and for any services and supplies used in conjunction with such technology such that the sum of the payments under this subsection for—

“(I) all substitute disposable medical technologies that the Secretary determines, pursuant to section 1861(iii)(3), will be necessary to provide a substitute for the item of durable medical equipment described in clause (i)(I); and

...
“(II) any services and supplies used in conjunction with such technologies;
is equal to the amount calculated under clause (ii).

“(C) LUMP-SUM PAYMENT.—The single payment amount described in subparagraph (A) for a substitute disposable medical technology and for any services and supplies used in conjunction with such technology shall be made in a lump-sum amount.”.

(c) NONAPPLICATION OF COMPETITIVE ACQUISITION.—Section 1847(a)(7)(B) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(iii) that are substitute disposable medical technologies (as defined in section 1861(n)(2)(B)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to items and services
furnished on or after the date that is one year after the date of the enactment of this section.