

116TH CONGRESS
2D SESSION

S. 3457

To amend title XVIII of the Social Security Act to clarify congressional intent and preserve patient access to home infusion therapy under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. WARNER (for himself and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to clarify congressional intent and preserve patient access to home infusion therapy under the Medicare program, and for other purposes.

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 “Preserving Patient Ac-
5 cess to Home Infusion Act”.

1 **SEC. 2. PRESERVATION OF PATIENT ACCESS TO HOME IN-**
 2 **FUSION THERAPY UNDER MEDICARE PRO-**
 3 **GRAM.**

4 (a) IN GENERAL.—Section 1861(iii) of the Social Se-
 5 curity Act (42 U.S.C. 1395x(iii)) is amended—

6 (1) in paragraph (2)(A), by inserting “and
 7 pharmacy services” before “, furnished in accord-
 8 ance with the plan”; and

9 (2) in paragraph (3)(C)(ii), by inserting after
 10 “list” the following: “, unless such self-administered
 11 drug or biological was included as a transitional
 12 home infusion drug (as defined in section
 13 1834(u)(7)(A)(iii))”.

14 (b) CLARIFICATION OF INFUSION DRUG ADMINIS-
 15 TRATION CALENDAR DAY.—Section 1834(u)(1)(A)(ii) of
 16 the Social Security Act (42 U.S.C. 1395m(u)(1)(A)(ii)) is
 17 amended by inserting after the first sentence the following
 18 new sentence: “For purposes of the previous sentence,
 19 with respect to the furnishing of home infusion drugs to
 20 an individual by a qualified home infusion therapy sup-
 21 plier, a reference to payment to such supplier for an infu-
 22 sion drug administration calendar day in the home of such
 23 individual shall refer to payment for the date on which
 24 such a drug was administered to the individual (regardless
 25 of whether a qualified home infusion therapy supplier was

1 physically present in the home of such individual on such
2 date).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to items and services
5 furnished on or after January 1, 2021.

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