

117TH CONGRESS
1ST SESSION

H. R. 5067

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 HOUSE OF REPRESENTATIVES

AUGUST 20, 2021

Ms. SEWELL (for herself, Mr. UPTON, Mrs. DINGELL, and Mr. BUCHANAN) 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 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) INCLUSION OF PHARMACY SERVICES.—Section
5 1861(iii)(2)(A) of the Social Security Act (42 U.S.C.
6 1395x(iii)(2)(A)) is amended by inserting “and pharmacy
7 services” after “nursing services”.

8 (b) INFUSION DRUG ADMINISTRATION CALENDAR
9 DAY.—Section 1834(u)(1)(A)(ii) of the Social Security
10 Act (42 U.S.C. 1395m(u)(1)(A)(ii)) is amended by insert-
11 ing after the first sentence the following new sentence:
12 “For purposes of the previous sentence, with respect to
13 the furnishing of home infusion drugs to an individual by
14 a qualified home infusion therapy supplier, a reference to
15 payment to such supplier for an infusion drug administra-
16 tion calendar day in the home of such individual shall refer
17 to payment for the date on which such a drug was admin-
18 istered to the individual (regardless of whether a qualified
19 home infusion therapy supplier was physically present in
20 the home of such individual on such date).”.

21 (c) PERMITTING NURSE PRACTITIONERS AND PHYSI-
22 CIAN ASSISTANTS TO ESTABLISH AND REVIEW A HOME
23 INFUSION PLAN OF CARE.—Section 1861(iii)(1)(B) of the
24 Social Security Act (42 U.S.C. 1395x(iii)(1)(B)) is
25 amended by striking “physician (as defined in subsection
26 (r)(1)) and is periodically reviewed by a physician” and

1 inserting “physician (as defined in subsection (r)(1)) or
2 a nurse practitioner or physician assistant (as those terms
3 are defined in subsection (aa)(5)) and is periodically re-
4 viewed by a physician, nurse practitioner, or physician as-
5 sistant”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to items and services
8 furnished on or after January 1, 2022.

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