H. R. 485

To amend title XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2023

Mrs. RODGERS of Washington (for herself, Mr. SMITH of Missouri, Mr. WENSTRUP, and Mr. BURGESS) 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 XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs.

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 “Protecting Health Care
5 for All Patients Act of 2023”.
SEC. 2. PROHIBITING THE USE OF QUALITY-ADJUSTED LIFE YEARS AND SIMILAR MEASURES IN COVERAGE AND PAYMENT DETERMINATIONS UNDER FEDERAL HEALTH CARE PROGRAMS.

(a) In General.—Section 1182(e) of the Social Security Act (42 U.S.C. 1320e–1(e)) is amended—

(1) by striking “The Secretary shall not” and inserting “A Federal agency or State may not”;

(2) by inserting “, including by using a price developed by any entity or government that is based on such an adjusted life year (or such a similar measure) or using averages or other pricing metrics that directly or indirectly take into account such prices,” after “(or such a similar measure)” ; and

(3) by striking “under title XVIII.” and inserting the following: “under any Federal health care program (as defined in section 1128B, except that such term shall include the health program established under chapter 89 of title 5, United States Code).”.

(b) Conforming Amendments.—

(1) Medicaid.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (86), by striking “and” at the end;
(B) in paragraph (87)(D), by striking the period and inserting ‘‘; and’’; and

(C) by inserting after paragraph (87) the following new paragraph:

‘‘(88) provide for compliance with the requirements of section 1182(e) (relating to prohibiting the use of certain measures in coverage determinations, reimbursement, and incentive programs).’’.

(2) CHIP.—Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

‘‘(d) PROHIBITION ON THE USE OF QUALITY-ADJUSTED LIFE YEARS AND SIMILAR MEASURES.—A State child health plan shall provide for compliance with the requirements of section 1182(e) (relating to prohibiting the use of certain measures in coverage determinations, reimbursement, and incentive programs).’’.