

118TH CONGRESS
2D SESSION

H. R. 485

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 7), 2024

Received; read twice and referred to the Committee on Finance

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Health Care
3 for All Patients Act of 2023”.

4 **SEC. 2. PROHIBITING THE USE OF QUALITY-ADJUSTED**
5 **LIFE YEARS AND SIMILAR MEASURES IN COV-**
6 **ERAGE AND PAYMENT DETERMINATIONS**
7 **UNDER FEDERAL HEALTH CARE PROGRAMS.**

8 (a) IN GENERAL.—Section 1182(e) of the Social Se-
9 curity Act (42 U.S.C. 1320e–1(e)) is amended—

10 (1) by inserting “or treats extending the life of
11 an elderly, disabled, or terminally ill individual as of
12 lower value than extending the life of an individual
13 who is younger, non-disabled, or not terminally ill”
14 after “because of an individual’s disability”;

15 (2) by inserting “described in the preceding
16 sentence” after “such a similar measure”;

17 (3) by striking “The Secretary shall not” and
18 inserting “A Federal agency (including the CMI (as
19 described in section 1115A)) or State may not”;

20 (4) by striking “under title XVIII.” and insert-
21 ing the following: “under any Federal health care
22 program (as defined in section 1128B, except that
23 such term shall include the health program estab-
24 lished under chapter 89 of title 5, United States
25 Code).”; and

(5) by adding at the end the following new sentence: “Notwithstanding any other provision of law, a Federal agency (including the CMI) or State may not waive the application of the provisions of this subsection (or the provisions of section 1852(o), section 1860D–12(h), section 1902(a)(88), section 1932(b)(9), or section 2102(e)) under section 1115, section 1115A, or any other demonstration or waiver authority.”.

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID.—

(A) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(i) in paragraph (86), by striking “and” at the end;

(ii) in paragraph (87)(D), by striking the period and inserting “; and”; and

(iii) 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).”.

1 (B) MANAGED CARE ORGANIZATIONS.—

2 Section 1932(b) of the Social Security Act (42
3 U.S.C. 1396u–2(b)) is amended by adding at
4 the end the following new paragraph:

5 “(9) PROHIBITION ON USE OF QUALITY-AD-
6 JUSTED LIFE YEARS.—The provisions of section
7 1182(e) shall apply to the utilization of a dollars-
8 per-quality adjusted life year or similar measure (as
9 described in such section) by a medicaid managed
10 care organization under this title (or a prepaid inpa-
11 tient health plan or prepaid ambulatory health plan,
12 as defined in section 438.2 of title 42, Code of Fed-
13 eral Regulations (or any successor regulation), under
14 a contract with the State) in the same manner as
15 such provisions apply to the utilization of such a
16 year or measure by a State under this title.”.

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

20 “(e) PROHIBITION ON THE USE OF QUALITY-AD-
21 JUSTED LIFE YEARS AND SIMILAR MEASURES.—A State
22 child health plan shall provide for compliance with the re-
23 quirements of section 1182(e) (relating to prohibiting the
24 use of certain measures in coverage determinations, reim-
25 bursement, and incentive programs).”.

1 (3) MEDICARE ADVANTAGE.—Section 1852 of
2 the Social Security Act (42 U.S.C. 1395w–22) is
3 amended by adding at the end the following new
4 subsection:

5 “(o) PROHIBITION ON USE OF QUALITY-ADJUSTED
6 LIFE YEARS.—The provisions of section 1182(e) shall
7 apply to the utilization of a dollars-per-quality adjusted
8 life year or similar measure (as described in such section)
9 by an MA plan in the same manner as such provisions
10 apply to the utilization of such a year or measure by the
11 Secretary under this title.”.

12 (4) MEDICARE PART D.—Section 1860D–12 of
13 the Social Security Act (42 U.S.C. 1395w–112) is
14 amended by adding at the end the following new
15 subsection:

16 “(h) PROHIBITION ON USE OF QUALITY-ADJUSTED
17 LIFE YEARS.—The provisions of section 1182(e) shall
18 apply to the utilization of a dollars-per-quality adjusted
19 life year or similar measure (as described in such section)
20 by a prescription drug plan in the same manner as such
21 provisions apply to the utilization of such a year or meas-
22 ure by the Secretary under this title.”.

23 (c) IMPLEMENTATION.—The amendments made by
24 this section shall apply beginning on January 1, 2025.

1 **SEC. 3. PREVENTION AND PUBLIC HEALTH FUND.**

2 Section 4002(b) of the Patient Protection and Af-
3 fordable Care Act (42 U.S.C. 300u–11) is amended by
4 striking paragraphs (7), (8), and (9) and inserting the fol-
5 lowing:

6 “(7) for each of fiscal years 2024 and 2025,
7 \$1,102,000,000;

8 “(8) for each of fiscal years 2026 and 2027,
9 \$1,327,000,000;

10 “(9) for each of fiscal years 2028 and 2029,
11 \$1,526,000,000; and”.

12 **SEC. 4. REPORT.**

13 Not later than 1 year after the date of the enactment
14 of this Act, and annually thereafter, the Comptroller Gen-
15 eral of the United States shall submit to Congress a report
16 on how quality-adjusted life years negatively impacts indi-
17 viduals with intellectual and developmental disabilities and
18 their access to care.

Passed the House of Representatives February 7,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.