

118TH CONGRESS
1ST SESSION

S. _____

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

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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) of the Social Security Act (42 U.S.C.
6 1395x(iii)(2)) is amended—

7 (1) in subparagraph (A), by inserting “and
8 pharmacy services” after “nursing services”; and

9 (2) in subparagraph (B), by inserting “, assess-
10 ments, drug preparation and compounding, coordi-
11 nation and documentation of infusion therapy serv-
12 ices in the plan of care” after “subsection (n))”.

13 (b) PAYMENT.—Section 1834(u)(1)(A) of the Social
14 Security Act (42 U.S.C. 1395m(u)(1)(A)) is amended—

15 (1) in clause (i), by striking “clause (iii)” and
16 inserting “clauses (iii) and (iv)”;

17 (2) in clause (ii) by inserting after the first sen-
18 tence the following new sentence: “For purposes of
19 the previous sentence, a reference to payment to a
20 qualified home infusion therapy supplier for an infu-
21 sion drug administration calendar day in the home
22 of such individual shall refer to payment for each
23 day on which such a drug was administered to the
24 individual (regardless of whether a qualified home
25 infusion therapy supplier was physically present in
26 the home of such individual on such date).”; and

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

3 “(iv) SPECIAL RULE WHEN A QUALI-
4 FIED HOME INFUSION THERAPY SUPPLIER
5 NOT PHYSICALLY PRESENT IN THE INDIV-
6 VIDUAL’S HOME.—In the case where a
7 qualified home infusion therapy supplier is
8 not physically present in the individual’s
9 home on the day the home infusion drug is
10 administered to the individual, the single
11 payment amount under this subsection for
12 items and services described in clause (i)
13 furnished on such day to such individual
14 shall be an amount equal to 50 percent of
15 the amount that would have applied under
16 this subsection for such items and services
17 if such a supplier had been physically
18 present.”.

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

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

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to items and services
7 furnished on or after January 1, 2024.