

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.

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## 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

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## 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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