

114TH CONGRESS
1ST SESSION

H. R. 1018

To amend title XVIII of the Social Security Act to provide coverage of certain disposable medical technologies under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2015

Mrs. ELLMERS of North Carolina (for herself, Mr. BUTTERFIELD, and Mrs. BLACKBURN) 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 provide coverage of certain disposable medical technologies 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 “Patient Access to Dis-
5 posable Medical Technology Act of 2015”.

1 **SEC. 2. COVERAGE OF CERTAIN DISPOSABLE MEDICAL**
2 **TECHNOLOGIES UNDER THE MEDICARE PRO-**
3 **GRAM.**

4 (a) **COVERAGE.**—Section 1861 of the Social Security
5 Act (42 U.S.C. 1395x) is amended by adding at the end
6 the following new subsection:

7 “Substitute Disposable Medical Technology

8 “(iii) The term ‘substitute disposable medical tech-
9 nology’ means medical equipment that—

10 “(1) is primarily and customarily used to serve
11 a medical purpose;

12 “(2) would otherwise be covered as durable
13 medical equipment under this title but for the fact
14 that such equipment is not durable (as defined by
15 the Secretary for purposes of coverage of durable
16 medical equipment under this title); and

17 “(3) the Secretary determines substitutes for
18 durable medical equipment.”.

19 (b) **PAYMENT PROVISIONS.**—Section 1834(a) of the
20 Social Security Act (42 U.S.C. 1395m(a)) is amended by
21 adding at the end the following new paragraph:

22 “(23) **SPECIAL PAYMENT RULE FOR SUB-**
23 **STITUTE DISPOSABLE MEDICAL TECHNOLOGIES.**—

24 Notwithstanding the preceding provisions of this
25 subsection, the Secretary shall determine the pay-
26 ment amount under this subsection for a substitute

1 disposable medical technology (as defined in section
2 1861(iii)), and for any services and supplies used in
3 conjunction with such technology, in accordance with
4 the following:

5 “(A) SINGLE PAYMENT AMOUNT.—The
6 Secretary shall determine a single payment
7 amount that shall be paid for a substitute dis-
8 posable medical technology and for any services
9 and supplies used in conjunction with such
10 technology. A payment for such a technology
11 and for any such services and supplies that is
12 made in the amount of such single payment
13 amount shall constitute full payment under this
14 title for such technology and such services and
15 supplies.

16 “(B) CALCULATION OF PAYMENT
17 AMOUNT.—The single payment amount de-
18 scribed in subparagraph (A) for a substitute
19 disposable medical technology and for any serv-
20 ices and supplies used in conjunction with such
21 technology shall be calculated by—

22 “(i) calculating the sum of the
23 amounts of payment that otherwise would
24 be made under this section for—

1 “(I) the item of durable medical
2 equipment for which the Secretary de-
3 termines, pursuant to section
4 1861(iii)(3), that such substitute dis-
5 posable medical technology sub-
6 stitutes; and

7 “(II) all services and supplies
8 used in conjunction with such item of
9 durable medical equipment;

10 “(ii) calculating the amount that is 95
11 percent of the sum calculated under clause
12 (i); and

13 “(iii) calculating the single payment
14 amount for the substitute disposable med-
15 ical technology and for any services and
16 supplies used in conjunction with such
17 technology such that the sum of the pay-
18 ments under this subsection for—

19 “(I) all substitute disposable
20 medical technologies that the Sec-
21 retary determines, pursuant to section
22 1861(iii)(3), will be necessary to pro-
23 vide a substitute for the item of dura-
24 ble medical equipment described in
25 clause (i)(I); and

1 “(II) any services and supplies
2 used in conjunction with such tech-
3 nologies;

4 is equal to the amount calculated under
5 clause (ii).

6 “(C) LUMP-SUM PAYMENT.—The single
7 payment amount described in subparagraph (A)
8 for a substitute disposable medical technology
9 and for any services and supplies used in con-
10 junction with such technology shall be made in
11 a lump-sum amount.”.

12 (e) NONAPPLICATION OF COMPETITIVE ACQUISI-
13 TION.—Section 1847(a)(7)(B) of the Social Security Act
14 (42 U.S.C. 1395w-3(a)(7)(B)) is amended—

15 (1) in clause (i), by striking “and” at the end;

16 (2) in clause (ii), by striking the period at the
17 end and inserting “; and”; and

18 (3) by adding at the end the following new
19 clause:

20 “(iii) that are substitute disposable
21 medical technologies (as defined in section
22 1861(n)(2)(B)).”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to items and services

- 1 furnished on or after the date that is one year after the
- 2 date of the enactment of this section.

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