

118TH CONGRESS
1ST SESSION

H. R. 4438

To amend title XVIII of the Social Security Act to provide for coverage and payment of Alpha-1 Antitrypsin Deficiency Disorder treatment under part B of such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Ms. SALAZAR (for herself, Ms. PINGREE, Mr. POSEY, Mr. TONKO, Ms. WASSERMAN SCHULTZ, Mr. KEATING, Mr. PANETTA, Mr. CONNOLLY, and Mr. HIGGINS of New York) 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 for coverage and payment of Alpha-1 Antitrypsin Deficiency Disorder treatment under part B of such title, 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 “John W. Walsh Alpha-
5 1 Home Infusion Act of 2023”.

1 **SEC. 2. MEDICARE COVERAGE OF ALPHA-1 ANTITRYPSIN**
2 **DISORDER TREATMENT.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by striking “and” at the end of sub-
7 paragraph (II);

8 (B) by inserting “and” at the end of sub-
9 paragraph (JJ); and

10 (C) by inserting at the end the following
11 new subparagraph:

12 “(KK) Alpha-1 Antitrypsin Deficiency Dis-
13 order treatment (as defined in subsection
14 (nnn));”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(nnn) ALPHA-1 ANTITRYPSIN DEFICIENCY DIS-
18 ORDER TREATMENT.—(1) The term ‘Alpha-1 Antitrypsin
19 Deficiency Disorder treatment’ means augmentation ther-
20 apy (as defined in paragraph (2)(C)) furnished by quali-
21 fied home infusion therapy suppliers (as defined in para-
22 graph (2)(D)) which are furnished in the individual’s
23 home (as defined in paragraph (2)(B)) to an individual—

24 “(A) who is under the care of an applicable pro-
25 vider;

1 “(B) who is enrolled under both parts A and B
2 of this title, and is not enrolled in an MA plan under
3 part C of such title; and

4 “(C) who requires augmentation therapy (as de-
5 fined in paragraph (2)(C)).

6 “(2) For purposes of this subsection:

7 “(A) The term ‘applicable provider’ means—

8 “(i) a physician;

9 “(ii) a nurse practitioner; and

10 “(iii) a physician assistant.

11 “(B) The term ‘home’ means a place of resi-
12 dence used as the home of an individual (as defined
13 for purposes of subsection (n)).

14 “(C) The term ‘augmentation therapy’ means
15 an Alpha-1 Proteinase Inhibitor indicated for chron-
16 ic augmentation and maintenance therapy in adults
17 with clinical evidence of emphysema due to severe
18 hereditary deficiency of Alpha-1 Antitrypsin.

19 “(D) The term ‘qualified home infusion therapy
20 supplier’ has the meaning given such term in sub-
21 section (iii)(3)(D)(i).”.

22 (b) PAYMENT FOR INTRAVENOUS ADMINISTRATION
23 KITS AND NURSING SERVICES FOR ALPHA-1
24 ANTITRYPSIN DEFICIENCY DISORDER TREATMENT.—
25 Section 1834 of the Social Security Act (42 U.S.C.

1 1395m) is amended by adding at the end the following
2 new subsection:

3 “(aa) PAYMENT FOR INTRAVENOUS ADMINISTRA-
4 TION KITS AND NURSING SERVICES FOR ALPHA-1
5 ANTITRYPSIN DEFICIENCY DISORDER TREATMENT.—The
6 Secretary shall implement a payment system under which
7 payment is made under this title to a qualified home infu-
8 sion therapy supplier (as defined in section
9 1861(nnn)(3)(D)) for intravenous administration kits and
10 nursing services for up to 2 hours of care by a qualified
11 home infusion therapy supplier in coordination with the
12 furnishing of augmentation therapy (as defined in section
13 1861(nnn)(2)(C)).”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) PAYMENT REFERENCE.—Section
16 1833(a)(1) of the Social Security Act (42 U.S.C.
17 1395l(a)(1)) is amended—

18 (A) by striking “and” before “(HH)”; and

19 (B) by inserting before the semicolon at
20 the end the following: “, and (II) with respect
21 to intravenous administration kits and nursing
22 services described in section 1834(aa) for
23 Alpha-1 Antitrypsin Disorder treatment (as de-
24 fined in subsection (nnn)(1)), the amount paid
25 for such kits and services shall be an amount

1 equal to 80 percent of the lesser of the actual
2 charge for the services or the amount deter-
3 mined under section 1834(aa)”.

4 (2) DIRECT PAYMENT.—The first sentence of
5 section 1842(b)(6) of the Social Security Act (42
6 U.S.C. 1395u(b)(6)) is amended—

7 (A) by striking “and” before “(J)”; and

8 (B) by inserting before the period at the
9 end the following: “, and (K) in the case of in-
10 travenous administration kits and nursing serv-
11 ices described in section 1834(aa), payment
12 shall be made to the qualified home infusion
13 therapy supplier (as defined in section
14 1861(nnn)(2)(D))”.

15 (3) EXCLUSION FROM HOME HEALTH SERV-
16 ICES.—Section 1861(m) of the Social Security Act
17 (42 U.S.C. 1395x(m)) is amended, in the first sen-
18 tence, by inserting the following before the period at
19 the end: “and intravenous administration kits and
20 nursing services described in section 1834(aa) for
21 Alpha-1 Antitrypsin Deficiency Disorder treatment
22 (as defined in subsection (nnn)(1))”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to items and services furnished on
3 or after January 1, 2025.

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