

118TH CONGRESS
1ST SESSION

H. R. 5782

To ensure access to cost-free rabies postexposure prophylaxis.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. BERA 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 ensure access to cost-free rabies postexposure prophylaxis.

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 “Affordable Rabies
5 Treatment for All Act of 2023”.

1 **SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND**
2 **HUMAN SERVICES TO ESTABLISH A PRO-**
3 **GRAM TO REIMBURSE HEALTH CARE PRO-**
4 **VIDERS FOR FURNISHING RABIES**
5 **POSTEXPOSURE PROPHYLAXIS AND RELATED**
6 **SERVICES TO UNINSURED INDIVIDUALS.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services shall establish a program under which—

9 (1) program-registered providers submit claims
10 to the Secretary with respect to the furnishing of
11 medically necessary rabies postexposure prophylaxis
12 and related items and services (as defined in sub-
13 section (b)) to uninsured individuals; and

14 (2) the Secretary, subject to the availability of
15 appropriations, pays each such provider for such
16 prophylaxis and related items and services in an
17 amount determined appropriate by the Secretary.

18 (b) DEFINITIONS.—In this section:

19 (1) PROGRAM-REGISTERED PROVIDER.—The
20 term “program-registered provider” means a health
21 care provider that—

22 (A) is licensed or otherwise authorized to
23 furnish rabies postexposure prophylaxis and re-
24 lated items and services in the State in which
25 such provider furnishes such prophylaxis and

1 related items and services under the program
2 established under this section; and

3 (B) enters into an agreement with the Sec-
4 retary under which the provider agrees—

5 (i) not to hold an uninsured individual
6 liable for the cost of rabies postexposure
7 prophylaxis or related items and services
8 with respect to which a payment is made
9 under subsection (a)(2); and

10 (ii) to limit any charge to such indi-
11 vidual for the administration of such pro-
12 phylaxis or related items and services with
13 respect to which such a payment is so
14 made to an amount specified by the Sec-
15 retary.

16 (2) RABIES POSTEXPOSURE PROHYLAXIS; RE-
17 LATED ITEMS AND SERVICES.—The terms “rabies
18 postexposure prophylaxis” and “related items and
19 services” have the meaning given such terms in sec-
20 tion 2713 of the Public Health Service Act (42
21 U.S.C. 300gg-13).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Health and Human Services.

24 (4) UNINSURED INDIVIDUAL.—The term “unin-
25 sured individual” means, with respect to an indi-

1 vidual furnished rabies postexposure prophylaxis, an
2 individual who is not enrolled in—

3 (A) a Federal health care program (as de-
4 fined in section 1128B(f) of the Social Security
5 Act (42 U.S.C. 1320a-7b(f)));

6 (B) a group health plan or health insur-
7 ance coverage offered by a health insurance
8 issuer in the group or individual market (as
9 such terms are defined in section 2791 of the
10 Public Health Service Act (42 U.S.C. 300gg-
11 91)); or

12 (C) a health plan offered under chapter 89
13 of title 5, United States Code.

14 **SEC. 3. ENSURING NO-COST COVERAGE OF RABIES**
15 **POSTEXPOSURE PROPHYLAXIS AND RELATED**
16 **ITEMS AND SERVICES FOR INSURED INDIVID-**
17 **UALS.**

18 (a) PRIVATE INSURANCE.—

19 (1) IN GENERAL.—Section 2713 of the Public
20 Health Service Act (42 U.S.C. 300gg-13) is amend-
21 ed—

22 (A) in subsection (a)—

23 (i) in paragraph (2), by striking
24 “and” at the end;

1 (ii) in paragraph (3), by striking the
2 period and inserting a semicolon;

3 (iii) in paragraph (4), by striking the
4 period and inserting a semicolon;

5 (iv) by redesignating paragraph (5) as
6 paragraph (6); and

7 (v) by inserting after paragraph (4)
8 the following new paragraph:

9 “(5) rabies postexposure prophylaxis and related
10 items and services; and”; and

11 (B) by adding at the end the following new
12 subsection:

13 “(d) DEFINITIONS.—In this section:

14 “(1) RABIES POSTEXPOSURE PROPHYLAXIS.—
15 The term ‘rabies postexposure prophylaxis’ means
16 human rabies immune globulin and rabies vaccine
17 doses, or any other treatment specified by the Sec-
18 retary, furnished in accordance with guidelines speci-
19 fied by the Secretary to an individual who has been
20 potentially exposed to the rabies virus to prevent the
21 occurrence of rabies.

22 “(2) RELATED ITEMS AND SERVICES.—The
23 term ‘related items and services’ means items and
24 services furnished to an individual during health
25 care provider office visits (which term in this para-

1 graph includes in-person visits and telehealth visits),
2 urgent care center visits, and emergency room visits
3 that result in an order for or administration of ra-
4 bies postexposure prophylaxis described in para-
5 graph (2), but only to the extent such items and
6 services relate to the furnishing or administration of
7 such prophylaxis or to the evaluation of such indi-
8 vidual for purposes of determining the need of such
9 individual for such prophylaxis.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply with respect to plan
12 years beginning on or after the date that is 1 year
13 after the date of the enactment of this Act.

14 (b) MEDICARE.—

15 (1) IN GENERAL.—Section 1833 of the Social
16 Security Act (42 U.S.C. 1395l) is amended—

17 (A) in subsection (a)(1)—

18 (i) in subparagraph (GG), by striking
19 “and” at the end; and

20 (ii) by inserting before the semicolon
21 at the end the following “, and (II) with
22 respect to rabies postexposure prophylaxis
23 and related items and services (as such
24 terms are defined in section 2713 of the
25 Public Health Service Act), the amounts

1 paid shall be equal to 100 percent of the
2 lesser of the actual charge for such
3 prohylaxis, items, and services, or the
4 amount otherwise payable for such
5 prohylaxis, items, and services under this
6 part”; and

7 (B) in subsection (b)—

8 (i) in paragraph (12), by string “,
9 and” at the end; and

10 (ii) in paragraph (13), by striking “..”
11 at the end and inserting “, and (14) such
12 deductible shall not apply with respect to
13 rabies postexposure prophylaxis and re-
14 lated items and services.”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply with respect to items
17 and services furnished on or after the first day of
18 the first calendar year beginning on or after the date
19 that is 1 year after the date of the enactment of this
20 Act.

1 **SEC. 4. GRANTS TO LOCAL HEALTH DEPARTMENTS TO**
2 **STOCKPILE RABIES POSTEXPOSURE PROPHY-**
3 **LAXIS.**

4 Part P of title III of the Public Health Service Act
5 (42 U.S.C. 380g et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 399V-8. GRANTS TO LOCAL HEALTH DEPARTMENTS**
8 **TO STOCKPILE RABIES POSTEXPOSURE PRO-**
9 **PHYLAXIS.**

10 “(a) IN GENERAL.—The Secretary may award grants
11 to local health departments to—

12 “(1) establish and maintain a stockpile of—

13 “(A) rabies postexposure prophylaxis; and

14 “(B) items that are related items and serv-
15 ices; and

16 “(2) furnish rabies postexposure prohylaxis and
17 related items and services.

18 “(d) DEFINITIONS.—In this section, the terms ‘rabies
19 postexposure prophylaxis’ and ‘related items and services’
20 have the meanings given such terms in section 2713.”.

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