

110TH CONGRESS
1ST SESSION

S. 870

To amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare program.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2007

Mr. ISAKSON introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare program.

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 “Medicare Home Infu-
5 sion Therapy Consolidated Coverage Act of 2007”.

6 **SEC. 2. CONSOLIDATION OF MEDICARE COVERAGE OF**
7 **HOME INFUSION THERAPY UNDER PART B.**

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

1 (1) in subsection (s)(2)—

2 (A) by striking “and” at the end of sub-
3 paragraph (Z);

4 (B) by adding “and” at the end of sub-
5 paragraph (AA); and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(BB) home infusion therapy (as defined in
9 subsection (ccc)(1));”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “Home Infusion Therapy

13 “(ccc)(1) The term ‘home infusion therapy’ means
14 the following items and services furnished to an individual,
15 who is under the care of a physician, which are provided,
16 except as provided in subparagraph (B), by a qualified
17 home infusion therapy provider under a plan (for fur-
18 nishing such items and services to such individual) estab-
19 lished and periodically reviewed by a physician, which
20 items and services are provided in an integrated manner
21 in the individual’s home in conformance with clinical
22 standards of care established by the Secretary (after tak-
23 ing into account the standards commonly used for home
24 infusion therapy by Medicare Advantage organizations
25 and accreditation organizations)—

1 “(A) infusion drugs (as defined in para-
2 graph (2)(B));

3 “(B) nursing services provided, directly or
4 by an accredited homecare organization under
5 arrangements made, by the qualified home infu-
6 sion therapy provider, in connection with such
7 infusion; and

8 “(C) other professional services (including
9 pharmacy and care coordination services) and
10 related items and services (including medical
11 supplies, intravenous fluids, home delivery,
12 equipment, and other items and services the
13 Secretary determines appropriate) to administer
14 infusion drug therapies to an individual safely
15 and effectively in the home;

16 except that such term does not include nursing serv-
17 ices to the extent they are covered as home health
18 services.

19 “(2) For purposes of paragraph (1):

20 “(A) The term ‘home’ means a place of
21 residence used as an individual’s home and in-
22 cludes such alternate settings as the Secretary
23 determines.

24 “(B) The term ‘infusion drugs’ means par-
25 enteral drugs and biologicals administered via

1 an intravenous, intraspinal, intra-arterial,
2 intrathecal, subcutaneous, or intramuscular ac-
3 cess device inserted into the body.

4 “(C) The term ‘qualified home infusion
5 therapy provider’ means any pharmacy that—

6 “(i) has expertise in the preparation
7 of compounded sterile preparations in com-
8 pliance with enforceable standards of the
9 U.S. Pharmacopoeia or other nationally
10 recognized standards that regulate
11 compounding of sterile preparations as de-
12 termined by the Secretary;

13 “(ii) provides infusion therapy to pa-
14 tients with acute or chronic conditions re-
15 quiring parenteral administration of drugs
16 and biologicals administered through cath-
17 eters or needles, or both, in a home; and

18 “(iii) meets such requirements as the
19 Secretary determines are necessary to en-
20 sure the safe and effective provision of
21 home infusion therapy (taking into account
22 the standards of care for home infusion
23 therapy established by private payers).”.

24 (b) PAYMENT FOR HOME INFUSION THERAPY.—

1 (1) IN GENERAL.—Section 1834 of such Act
2 (42 U.S.C. 1395m) is amended by adding at the end
3 the following new subsection:

4 “(n) PAYMENT FOR HOME INFUSION THERAPY.—
5 The payment amount under this part for home infusion
6 therapy is determined as follows:

7 “(1) IN GENERAL.—Except as provided in this
8 subsection, the Secretary shall determine a per diem
9 schedule for payment for home infusion therapy (in-
10 cluding pharmacy services, administration services,
11 care coordination services, supplies and equipment
12 necessary to safely and properly administer a home
13 infusion drug or biological in accordance with the re-
14 quirements and clinical standards commonly used
15 for home infusion therapy) which reflects the reason-
16 able costs which must be incurred by efficiently and
17 economically operated qualified home infusion ther-
18 apy providers to provide such therapy in conformity
19 with applicable State and Federal laws, regulations,
20 and quality and safety standards and to assure that
21 Medicare beneficiaries have reasonable access to
22 such therapy.

23 “(2) INFUSION DRUGS.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the provisions of section

1 1847A shall apply to payment under this part
2 for drugs included in home infusion therapy.

3 “(B) SPECIAL RULE.—In applying sub-
4 paragraph (A), the determination of average
5 sales prices under section 1847A shall be lim-
6 ited to such prices for infusion drug sales to
7 home infusion therapy pharmacies.”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 1833(a)(1) of such Act (42
10 U.S.C. 1395l(a)(1)) is amended by striking
11 “and” before “(V)” and by inserting before the
12 semicolon at the end the following: “, and (W)
13 with respect to home infusion therapy, the
14 amounts paid shall be determined under section
15 1834(n)”.

16 (B) The first sentence of section
17 1842(b)(6) of such Act (42 U.S.C.
18 1395u(b)(6)) is amended by striking “and” be-
19 fore “(H)” and by inserting before the period
20 at the end the following: “, and (I) in the case
21 of home infusion therapy, payment shall be
22 made to the qualified home infusion therapy
23 provider responsible for furnishing the ther-
24 apy”.

25 (c) OTHER CONFORMING PROVISIONS.—

1 (1) EXCLUSION FROM DURABLE MEDICAL
2 EQUIPMENT BENEFIT.—Section 1861(n) of such Act
3 (42 U.S.C. 1395x(n)) is amended by adding at the
4 end the following: “Such term does not include home
5 infusion therapy.”.

6 (2) APPLICATION OF ACCREDITATION ORGANI-
7 ZATION PROVISIONS.—The provisions of section
8 1865(b) of the Social Security Act (42 U.S.C.
9 1395bb(b)) apply to accreditation of qualified home
10 infusion therapy providers (as defined in section
11 1861(cc)(2)(C) of such Act, as added by subsection
12 (a)).

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to home infusion therapy furnished
15 on or after January 1, 2008.

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