

110TH CONGRESS  
2D SESSION

# H. R. 5780

To amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2008

Mrs. WILSON of New Mexico (for herself, Mr. ETHERIDGE, and Mr. UDALL of New Mexico) 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services 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 “Medicare Clinical Phar-  
5 macist Practitioner Services Coverage Act of 2008”.

1 **SEC. 2. MEDICARE COVERAGE OF CLINICAL PHARMACIST**  
2 **PRACTITIONER SERVICES.**

3 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-  
4 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (Z);

7 (2) by adding “and” at the end of subpara-  
8 graph (AA); and

9 (3) by inserting after subparagraph (AA) the  
10 following new subparagraph:

11 “(BB) clinical pharmacist practitioner  
12 services (as defined in subsection (ddd)(1));  
13 and”.

14 (b) **SERVICES DESCRIBED.**—Section 1861 of such  
15 Act (42 U.S.C. 1395x) is amended by adding at the end  
16 the following new subsection:

17 “(ddd) **CLINICAL PHARMACIST PRACTITIONER SERV-**  
18 **ICES; CLINICAL PHARMACIST PRACTITIONER.**—(1) The  
19 term ‘clinical pharmacist practitioner services’ means such  
20 direct patient care services provided by a pharmacist clini-  
21 cian or clinical pharmacist practitioner, and such services  
22 furnished as incident to the services of the clinician or  
23 practitioner, respectively, which the clinician or practi-  
24 tioner, respectively, is legally authorized to perform under  
25 State law (or the State regulatory mechanism as provided  
26 by State law) in a collaborative practice agreement as

1 would otherwise be covered under this part if furnished  
2 by a physician, or as incident to a physician’s professional  
3 service.

4 “(2) The terms ‘pharmacist clinician’ and ‘clinical  
5 pharmacist practitioner’ mean a pharmacist who—

6 “(A) is certified by a State as a pharmacist cli-  
7 nician or clinical pharmacist practitioner as a result  
8 of completing training in physical assessment and  
9 clinical hours of experience, as required by State law  
10 and the rules of State Boards of Pharmacy, in addi-  
11 tion to any requirements of such State to be a li-  
12 censed pharmacist;

13 “(B) has prescriptive authority, as established  
14 by State statute; and

15 “(C) is involved in the application of the sci-  
16 entific principles of pharmacology, toxicology, thera-  
17 peutics, clinical pharmacokinetics,  
18 pharmacoeconomics, and other life sciences for the  
19 direct care of patients”.

20 (c) PAYMENT.—

21 (1) IN GENERAL.—Section 1833(a)(1) of such  
22 Act (42 U.S.C. 1395l(a)(1)) is amended—

23 (A) by striking “and (V)” and inserting  
24 “(V)”; and

1 (B) by striking the semicolon at the end  
2 and inserting the following: “, and (W) with re-  
3 spect to clinical pharmacist practitioner services  
4 (as defined in section 1861(ddd)(1)), the  
5 amounts paid shall be 85 percent of the  
6 amounts provided for such services under sec-  
7 tion 1834(n)(1);”.

8 (2) ESTABLISHMENT OF FEE SCHEDULES.—  
9 Section 1834 of such Act (42 U.S.C. 1395m) is  
10 amended by adding at the end the following new  
11 subsection:

12 “(n) FEE SCHEDULES FOR CLINICAL PHARMACIST  
13 PRACTITIONER SERVICES.—

14 “(1) DEVELOPMENT.—The Secretary shall de-  
15 velop and implement, for services furnished not later  
16 than January 1, 2010—

17 “(A) a relative value scale to serve as the  
18 basis for the payment of clinical pharmacist  
19 practitioner services (as defined in section  
20 1861(ddd)(1)) under this part; and

21 “(B) using such scale and appropriate con-  
22 version factors, fee schedules (on a regional,  
23 statewide, locality, or carrier service area basis)  
24 for payment for clinical pharmacist practitioner  
25 services under this part.

1           “(2) PAYMENTS PRIOR TO IMPLEMENTATION  
2           OF FEE SCHEDULES.—In the case of clinical phar-  
3           macist practitioner services which are furnished be-  
4           fore the implementation of fee schedules under para-  
5           graph (1)(B) and after January 1, 2009, the  
6           amount of payment made under this part shall be  
7           based on 85 percent of the fee schedule amount ap-  
8           plicable under section 1848 if the services were fur-  
9           nished by a physician.”.

10           (3) REPORT TO CONGRESS.—Not later than  
11           September 30, 2009, the Secretary of Health and  
12           Human Services shall submit to Congress a report  
13           on the fee schedules (including relative value scale  
14           and appropriate conversion factors) developed pursu-  
15           ant to section 1834(n)(1) of the Social Security Act  
16           (as added by paragraph (2)) for clinical pharmacist  
17           practitioner services under part B of title XVIII of  
18           such Act.

19           (d) EFFECTIVE DATE.—The amendments made by  
20           this section shall apply to services furnished on or after  
21           January 1, 2009.

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