

119TH CONGRESS
1ST SESSION

S. 1058

To amend title XVIII of the Social Security Act to clarify congressional intent and preserve patient access to home infusion therapy under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2025

Mr. WARNER (for himself and Mr. SCOTT of South Carolina) 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 clarify congressional intent and preserve patient access to home infusion therapy 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 “Preserving Patient Ac-
5 cess to Home Infusion Act”.

1 **SEC. 2. PRESERVATION OF PATIENT ACCESS TO HOME IN-**
 2 **FUSION THERAPY UNDER MEDICARE PRO-**
 3 **GRAM.**

4 (a) INCLUSION OF PHARMACY SERVICES.—Section
 5 1861(iii)(2) of the Social Security Act (42 U.S.C.
 6 1395x(iii)(2)) is amended—

7 (1) in subparagraph (A), by inserting “and
 8 pharmacy services” after “nursing services”; and

9 (2) in subparagraph (B), by inserting “, assess-
 10 ments, drug preparation and compounding, coordi-
 11 nation and documentation of infusion therapy serv-
 12 ices in the plan of care” after “subsection (n))”.

13 (b) PAYMENT.—Section 1834(u)(1)(A) of the Social
 14 Security Act (42 U.S.C. 1395m(u)(1)(A)) is amended—

15 (1) in clause (i), by striking “clause (iii)” and
 16 inserting “clauses (iii) and (iv)”;

17 (2) in clause (ii) by inserting after the first sen-
 18 tence the following new sentence: “For purposes of
 19 the previous sentence, a reference to payment to a
 20 qualified home infusion therapy supplier for an infu-
 21 sion drug administration calendar day in the home
 22 of such individual shall refer to payment for each
 23 day on which such a drug was administered to the
 24 individual (regardless of whether a qualified home
 25 infusion therapy supplier was physically present in
 26 the home of such individual on such date).”; and

1 (3) in clause (iii)—

2 (A) by striking “The single payment
3 amount” and inserting the following:

4 “(I) IN GENERAL.—Subject to
5 subclause (II), the single payment
6 amount”; and

7 (B) by adding at the end the following new
8 subclause:

9 “(II) TRANSITIONAL RULE.—For
10 home infusion therapy furnished on or
11 after January 1, 2026, and before
12 January 1, 2030, the Secretary shall
13 ensure that the single payment
14 amount determined under this sub-
15 paragraph reflects 5 hours of infusion
16 for a particular therapy in a calendar
17 day.”; and

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

20 “(iv) SPECIAL RULE WHEN A QUALI-
21 FIED HOME INFUSION THERAPY SUPPLIER
22 NOT PHYSICALLY PRESENT IN THE INDIV-
23 IDUAL’S HOME.—In the case where a
24 qualified home infusion therapy supplier is
25 not physically present in the individual’s

1 home on the day the home infusion drug is
 2 administered to the individual, the single
 3 payment amount under this subsection for
 4 items and services described in clause (i)
 5 furnished on such day to such individual
 6 shall be an amount equal to 50 percent of
 7 the amount that would have applied under
 8 this subsection for such items and services
 9 if such a supplier had been physically
 10 present.”.

11 (c) PERMITTING NURSE PRACTITIONERS AND PHYSI-
 12 CIAN ASSISTANTS TO ESTABLISH AND REVIEW A HOME
 13 INFUSION PLAN OF CARE.—Section 1861(iii)(1)(B) of the
 14 Social Security Act (42 U.S.C. 1395x(iii)(1)(B)) is
 15 amended by striking “physician (as defined in subsection
 16 (r)(1)) and is periodically reviewed by a physician” and
 17 inserting “physician (as defined in subsection (r)(1)) or
 18 a nurse practitioner or physician assistant (as those terms
 19 are defined in subsection (aa)(5)) and is periodically re-
 20 viewed by a physician, nurse practitioner, or physician as-
 21 sistant”.

22 (d) EFFECTIVE DATE.—The amendments made by
 23 this section shall apply with respect to items and services
 24 furnished on or after January 1, 2026.

1 **SEC. 3. ACCESS TO HOME INFUSION FOR NON-PUMP DRUGS**
 2 **AND BIOLOGICALS.**

3 (a) MODIFICATION OF DEFINITION OF HOME INFU-
 4 SION DRUG.—Section 1861(iii)(3) of the Social Security
 5 Act (42 U.S.C. 1395x(iii)(3)) is amended—

6 (1) in subparagraph (C), by inserting “and, in
 7 the case of a drug or biological other than a speci-
 8 fied non-pump drug or biological (as defined in sub-
 9 paragraph (E)),” before “through”; and

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

12 “(E) The term ‘specified non-pump drug or bio-
 13 logical’ means a drug or biological that—

14 “(i) is administered intravenously but not
 15 through a pump that is an item of durable med-
 16 ical equipment (as defined in subsection (n));
 17 and

18 “(ii) is an antibacterial, antifungal, or
 19 antiviral (as categorized by the United States
 20 Pharmacopeia).”.

21 (b) CLARIFICATION ON BILLING.—Section 1834(u)
 22 of the Social Security Act (42 U.S.C. 1395m(u)) is
 23 amended by adding at the end the following new para-
 24 graph:

25 “(8) CLARIFICATION ON BILLING FOR A SPECI-
 26 FIED NON-PUMP DRUG OR BIOLOGICAL.—In the case

1 of a qualified home infusion supplier (as defined in
 2 section 1861(iii)(3)(D)) that furnishes items and
 3 services described in subparagraphs (A) and (B) of
 4 section 1861(iii)(2) in coordination with the fur-
 5 nishing of a home infusion drug (as defined in sec-
 6 tion 1861(iii)(3)(C)) that is a specified non-pump
 7 drug or biological (as defined in section
 8 1861(iii)(3)(E)) where the method of infusion uti-
 9 lized in furnishing such drug or biological does not
 10 involve a pump that is an item of durable medical
 11 equipment, payment under this subsection for the
 12 items and services described in subparagraphs (A)
 13 and (B) of section 1861(iii)(2) shall be made with
 14 respect to such drug or biological regardless of
 15 whether such drug or biological so furnished is pay-
 16 able under this part.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply with respect to items and services
 19 furnished on or after January 1, 2026.

20 **SEC. 4. MODIFICATION OF PAYMENT FOR HOME INFUSION**
 21 **SUPPLIES.**

22 Section 1834(a) of the Social Security Act (42 U.S.C.
 23 1395m(a)) is amended by adding at the end the following
 24 new paragraph:

1 “(23) SPECIAL PAYMENT RULE FOR ITEMS AND
2 SUPPLIES FURNISHED IN CONJUNCTION WITH HOME
3 INFUSION THERAPY.—

4 “(A) IN GENERAL.—Notwithstanding the
5 preceding provisions of this subsection, no pay-
6 ment may be made under this subsection with
7 respect to applicable items and services (as de-
8 fined in subparagraph (B)) that are furnished
9 on or after January 1, 2026, in conjunction
10 home infusion therapy (as defined in section
11 1861(iii)(1)) for which payment is made under
12 subsection (u) and which are so furnished on
13 the same day as such home infusion therapy
14 and with respect to the same home infusion
15 drug (as defined in section 1861(iii)(3)(C)) for
16 which such payment was so made.

17 “(B) APPLICABLE ITEMS AND SERVICES
18 DEFINED.—For purposes of subparagraph (A),
19 the term ‘applicable items and services’ means
20 tubing, catheters, dressings, needles, syringes,
21 and other supplies identified by HCPCS code
22 A4221, A4222, or K0552 (or any successor
23 code).”.

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