

108TH CONGRESS  
1ST SESSION

# H. R. 128

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. HOLT introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease.

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 Coverage of  
5 Replacement Calcitriol Act of 2003”.

1 **SEC. 2. MEDICARE COVERAGE OF ORAL DRUGS USED TO**  
2 **TREAT LOW BLOOD CALCIUM LEVELS OR**  
3 **ELEVATED PARATHYROID HORMONE LEVELS**  
4 **FOR END STAGE RENAL DISEASE PATIENTS.**

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

7 (1) in subparagraph (U), by striking “and” at  
8 the end;

9 (2) in subparagraph (V), by inserting “and” at  
10 the end; and

11 (3) by inserting after subparagraph (V) the fol-  
12 lowing new subparagraph:

13 “(W) an oral drug (which is approved by the  
14 Food and Drug Administration) that—

15 “(i) is prescribed for use in the treatment  
16 of low blood calcium levels or elevated parathy-  
17 roid hormone levels in patients medically deter-  
18 mined to have end stage renal disease;

19 “(ii) is a full replacement for such treat-  
20 ment which would otherwise be administered in-  
21 travenously; and

22 “(iii) the Secretary determines results in  
23 overall cost savings for such treatment which  
24 would otherwise be administered intra-  
25 venously;”.

1       (b) INTERIM PAYMENT PENDING PUBLICATION OF  
2 FINAL RULE.—For the period beginning 30 days after the  
3 date of the enactment of this Act and ending on the date  
4 the Secretary of Health and Human Services publishes a  
5 final regulation to carry out section 1861(s)(2)(W) of the  
6 Social Security Act, as added by subsection (a)—

7           (1) oral drugs furnished under such section are  
8       deemed to result in the overall cost savings described  
9       in clause (iii) of such section, and

10          (2) the Secretary shall provide for payment for  
11       oral drugs furnished under such section during such  
12       period, and assign such temporary HCPCS code as  
13       is necessary to provide for such payment.

14       (c) EFFECTIVE DATE.—The amendments made by  
15       subsection (a) shall apply to oral drugs furnished on or  
16       after the date of the enactment of this Act.

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