

108TH CONGRESS
2D SESSION

H. R. 4724

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2004

Mr. BURR (for himself, Mr. BALLENGER, Mr. COBLE, and Mr. PRICE of North Carolina) 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 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 2004” .

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 (U);

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

9 (3) by inserting after subparagraph (V) the fol-
 10 lowing new subparagraph:

11 “(W) clinical pharmacist practitioner serv-
 12 ices (as defined in subsection (ww)(1)); and”.

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

16 “Clinical Pharmacist Practitioner Services; Clinical
 17 Pharmacist Practitioner

18 “(ww)(1) The term ‘clinical pharmacist practitioner
 19 services’ means such direct patient care services provided
 20 by a clinical pharmacist practitioner, and such services are
 21 furnished as an incident to the practitioner’s services,
 22 which the practitioner is legally authorized to perform
 23 under State law (or the State regulatory mechanism as
 24 provided by State law) in a collaborative practice agree-
 25 ment as would otherwise be covered if furnished by a phy-

1 sician, or as an incident to a physician’s professional serv-
 2 ice.

3 “(2) The term ‘clinical pharmacist practitioner’
 4 means as a pharmacist involved in the application of the
 5 scientific principles of pharmacology, toxicology, thera-
 6 peutics, clinical pharmacokinetics, pharmacoeconomics,
 7 and other life sciences for the direct care of patients.”.

8 (c) PAYMENT.—

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

11 (A) by striking “and (U)” and inserting
 12 “(U)”; and

13 (B) by striking the semicolon at the end
 14 and inserting the following: “, and (V) with re-
 15 spect to clinical pharmacist practitioner services
 16 (as defined in section 1861(w)), the amounts
 17 paid shall be 80 percent of the amounts pro-
 18 vided for such services under section 1834(n);”.

19 (2) ESTABLISHMENT OF FEE SCHEDULES.—
 20 Section 1834 of such Act (42 U.S.C. 1395m) is
 21 amended by adding at the end the following new
 22 subsection:

23 “(n) FEE SCHEDULES FOR CLINICAL PHARMACIST
 24 PRACTITIONER SERVICES.—

1 “(1) DEVELOPMENT.—The Secretary shall de-
2 velop and implement, for services furnished not later
3 than January 1, 2007—

4 “(A) a relative value scale to serve as the
5 basis for the payment of clinical pharmacist
6 practitioner services (as defined in section
7 1861(w)) under this part; and

8 “(B) using such scale and appropriate con-
9 version factors, fee schedules (on a regional,
10 statewide, locality, or carrier service area basis)
11 for payment for clinical pharmacist practitioner
12 services under this part.

13 “(2) PAYMENTS PRIOR TO IMPLEMENTATION
14 OF FEE SCHEDULES.—In the case of clinical phar-
15 macist practitioner services which are furnished be-
16 fore the implementation of fee schedules under para-
17 graph (1)(B), the amount of payment made under
18 this part shall be based on 85 percent of the fee
19 schedule amount applicable under section 1848 if
20 the service were furnished by a physician.”.

21 “(3) REPORT TO CONGRESS.—Not later than
22 September 30, 2006, the Secretary of Health and
23 Human Services shall submit a report to Congress
24 on the fee schedules (including relative value scale
25 and appropriate conversion factors) developed pursu-

1 ant to section 1834(n)(1) of the Social Security Act
2 (as added by paragraph (2)) for clinical pharmacist
3 practitioner services under part B of title XVIII of
4 such Act.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to services furnished on or after
7 January 1, 2005.

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