

108TH CONGRESS
2D SESSION

H. R. 5144

To amend title XVIII of the Social Security Act to preserve access to cancer care under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2004

Mr. NORWOOD (for himself, Mrs. CAPPS, Mr. BURNS, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HALL, Mr. HOEFFEL, Mr. OWENS, Mr. SANDLIN, Mr. TERRY, Mr. WALSH, and Mr. WELDON of Florida) 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 preserve access to cancer care under 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 “Cancer Care Preserva-
5 tion Act of 2004”.

1 **SEC. 2. ESTABLISHMENT OF MINIMUM PAYMENT AMOUNTS**
2 **FOR ONCOLOGY DRUGS FURNISHED TO**
3 **MEDICARE BENEFICIARIES.**

4 (a) IN GENERAL.—Section 1847A of the Social Secu-
5 rity Act (42 U.S.C. 1395w–3a), as added by section
6 303(c)(1) of the Medicare Prescription Drug, Improve-
7 ment, and Modernization Act of 2003 (Public Law 108–
8 173; 117 Stat. 2239), is amended—

9 (1) in subsection (b)(1), by striking “Subject to
10 subsections (d)(3)(C) and (e)” and inserting “Sub-
11 ject to subsections (d)(3)(C), (e), and (g)”;

12 (2) by redesignating subsection (g) as sub-
13 section (h); and

14 (3) by inserting after subsection (f) the fol-
15 lowing new subsection:

16 “(g) ALTERNATIVE MINIMUM PAYMENT AMOUNT
17 FOR ONCOLOGY DRUGS.—

18 “(1) IN GENERAL.—In no case may the amount
19 of payment determined under this section for the
20 billing and payment code for a drug or biological
21 (based on a minimum dosage unit) for an oncology
22 drug furnished in 2005 or 2006 be less than 95 per-
23 cent of such amount of payment for that oncology
24 drug furnished in the preceding year.

25 “(2) ESTABLISHMENT OF CODE.—The Sec-
26 retary shall make such modifications to billing and

1 payment codes, including the establishment of a
 2 temporary billing and payment code, to carry out
 3 this subsection.”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 subsection (a) shall take effect as if included in the enact-
 6 ment of section 301(c)(1) of the Medicare Prescription
 7 Drug, Improvement, and Modernization Act of 2003 (Pub-
 8 lic Law 108–173; 117 Stat. 2239).

9 **SEC. 3. ESTABLISHMENT OF MINIMUM PAYMENT AMOUNTS**
 10 **FOR DRUG ADMINISTRATION SERVICES.**

11 (a) IN GENERAL.—Section 303(a)(4) of the Medicare
 12 Prescription Drug, Improvement, and Modernization Act
 13 of 2003 (Public Law 108–173; 117 Stat. 2237) is amend-
 14 ed—

15 (1) in subparagraph (A), by striking “and be-
 16 fore January 1, 2006,” and inserting “and before
 17 January 1, 2007,”; and

18 (2) in subparagraph (B)—

19 (A) by striking “and” at the end of clause

20 (i);

21 (B) in clause (ii), by striking “3 percent.”

22 and inserting “27 percent; and”; and

23 (C) by inserting after clause (ii) the fol-
 24 lowing new clause:

25 “(iii) during 2006, is 22 percent.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply as if included in the enactment
3 of section 303(a)(4) of the Medicare Prescription Drug,
4 Improvement, and Modernization Act of 2003 (Public Law
5 108–173; 117 Stat. 2237).

