

109TH CONGRESS
1ST SESSION

H. R. 2051

To amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2005

Mr. CAMP (for himself and Mr. STRICKLAND) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Education and the Workforce, 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 continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant and whose entitlement to coverage would otherwise expire, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive Im-
3 munosuppressive Drug Coverage for Transplant Patients
4 Act of 2005”.

5 **SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IM-
6 MUNOSUPPRESSIVE DRUGS UNDER THE
7 MEDICARE PROGRAM FOR ORGAN TRANS-
8 PLANT RECIPIENTS.**

9 (a) CONTINUED ENTITLEMENT TO IMMUNO-
10 SUPPRESSIVE DRUGS.—

11 (1) KIDNEY TRANSPLANT RECIPIENTS.—Sec-
12 tion 226A(b)(2) of the Social Security Act (42
13 U.S.C. 426–1(b)(2)) is amended by inserting “(ex-
14 cept for coverage of immunosuppressive drugs under
15 section 1861(s)(2)(J))” after “shall end”.

16 (2) OTHER TRANSPLANT RECIPIENTS.—The
17 flush matter following paragraph (2)(C)(ii)(II) of
18 section 226(b) of the Social Security Act (42 U.S.C.
19 426(b)) is amended by striking “of this subsection)”
20 and inserting “of this subsection and except for cov-
21 erage of immunosuppressive drugs under section
22 1861(s)(2)(J))”.

23 (3) APPLICATION.—Section 1836 of the Social
24 Security Act (42 U.S.C. 1395o) is amended—

1 (A) by striking “Every individual who”
2 and inserting “(a) IN GENERAL.—Every indi-
3 vidual who”; and

4 (B) by adding at the end the following new
5 subsection:

6 “(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS
7 ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE
8 DRUGS.—

9 “(1) IN GENERAL.—In the case of an individual
10 whose eligibility for benefits under this title has
11 ended except for the coverage of immunosuppressive
12 drugs by reason of section 226(b) or 226A(b)(2), the
13 following rules shall apply:

14 “(A) The individual shall be deemed to be
15 enrolled under this part for purposes of receiv-
16 ing coverage of such drugs.

17 “(B) The individual shall be responsible
18 for the full amount of the premium under sec-
19 tion 1839 in order to receive such coverage.

20 “(C) The provision of such drugs shall be
21 subject to the application of—

22 “(i) the deductible under section
23 1833(b); and

1 “(ii) the coinsurance amount applica-
2 ble for such drugs (as determined under
3 this part).

4 “(D) If the individual is an inpatient of a
5 hospital or other entity, the individual is enti-
6 tled to receive coverage of such drugs under
7 this part.

8 “(2) ESTABLISHMENT OF PROCEDURES IN
9 ORDER TO IMPLEMENT COVERAGE.—The Secretary
10 shall establish procedures for—

11 “(A) identifying beneficiaries that are enti-
12 tled to coverage of immunosuppressive drugs by
13 reason of section 226(b) or 226A(b)(2); and

14 “(B) distinguishing such beneficiaries from
15 beneficiaries that are enrolled under this part
16 for the complete package of benefits under this
17 part.”.

18 (4) TECHNICAL AMENDMENT.—Subsection (c)
19 of section 226A of the Social Security Act (42
20 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii)
21 of the Social Security Independence and Program
22 Improvements Act of 1994 (Public Law 103–296;
23 108 Stat. 1497), is redesignated as subsection (d).

24 (b) EXTENSION OF SECONDARY PAYER REQUIRE-
25 MENTS FOR ESRD BENEFICIARIES.—Section

1 1862(b)(1)(C) of the Social Security Act (42 U.S.C.
2 1395y(b)(1)(C)) is amended by adding at the end the fol-
3 lowing new sentence: “With regard to immunosuppressive
4 drugs furnished on or after the date of enactment of the
5 Comprehensive Immunosuppressive Drug Coverage for
6 Transplant Patients Act of 2005, this subparagraph shall
7 be applied without regard to any time limitation.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to drugs furnished on or after the
10 date of enactment of this Act.

11 **SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IM-**
12 **MUNOSUPPRESSIVE DRUGS.**

13 (a) APPLICATION TO CERTAIN HEALTH INSURANCE
14 COVERAGE.—

15 (1) IN GENERAL.—Subpart 2 of part A of title
16 XXVII of the Public Health Service Act (42 U.S.C.
17 300gg–4 et seq.) is amended by adding at the end
18 the following:

19 **“SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

20 “A group health plan (and a health insurance issuer
21 offering health insurance coverage in connection with a
22 group health plan) shall provide coverage of immuno-
23 suppressive drugs that is at least as comprehensive as the
24 coverage provided by such plan or issuer on the day before
25 the date of enactment of the Comprehensive Immuno-

1 suppressive Drug Coverage for Transplant Patients Act
2 of 2005, and such requirement shall be deemed to be in-
3 corporated into this section.”.

4 (2) CONFORMING AMENDMENT.—Section
5 2721(b)(2)(A) of the Public Health Service Act (42
6 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting
7 “(other than section 2707)” after “requirements of
8 such subparts”.

9 (b) APPLICATION TO GROUP HEALTH PLANS AND
10 GROUP HEALTH INSURANCE COVERAGE UNDER THE EM-
11 PLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

12 (1) IN GENERAL.—Subpart B of part 7 of sub-
13 title B of title I of the Employee Retirement Income
14 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

18 “A group health plan (and a health insurance issuer
19 offering health insurance coverage in connection with a
20 group health plan) shall provide coverage of immuno-
21 suppressive drugs that is at least as comprehensive as the
22 coverage provided by such plan or issuer on the day before
23 the date of enactment of the Comprehensive Immuno-
24 suppressive Drug Coverage for Transplant Patients Act

1 of 2005, and such requirement shall be deemed to be in-
2 corporated into this section.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 732(a) of the Employee Retirement
5 Income Security Act of 1974 (29 U.S.C.
6 1185(a)) is amended by striking “section 711”
7 and inserting “sections 711 and 714”.

8 (B) The table of contents in section 1 of
9 the Employee Retirement Income Security Act
10 of 1974 is amended by inserting after the item
11 relating to section 713 the following new item:

“714. Coverage of immunosuppressive drugs.”.

12 (c) APPLICATION TO GROUP HEALTH PLANS UNDER
13 THE INTERNAL REVENUE CODE OF 1986.—Subchapter B
14 of chapter 100 of the Internal Revenue Code of 1986 is
15 amended—

16 (1) in the table of sections, by inserting after
17 the item relating to section 9812 the following new
18 item:

“9813. Coverage of immunosuppressive drugs.”;

19 and

20 (2) by inserting after section 9812 the fol-
21 lowing:

22 **“SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

23 “A group health plan shall provide coverage of im-
24 munosuppressive drugs that is at least as comprehensive

1 as the coverage provided by such plan on the day before
2 the date of enactment of the Comprehensive Immuno-
3 suppressive Drug Coverage for Transplant Patients Act
4 of 2005, and such requirement shall be deemed to be in-
5 corporated into this section.”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to plan years beginning on or after
8 January 1, 2006.

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