

110TH CONGRESS  
1ST SESSION

# H. R. 1190

To amend title XVIII of the Social Security Act to preserve access to  
community cancer care by Medicare beneficiaries.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2007

Mr. DAVIS of Alabama (for himself and Mr. RAMSTAD) 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

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## A BILL

To amend title XVIII of the Social Security Act to preserve  
access to community cancer care by Medicare beneficiaries.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Community Cancer Care Preservation Act of 2007”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Application of average sales price payment methodology.

Sec. 3. Increase in Medicare part B reimbursement for chemotherapy administration.

Sec. 4. Provisions for the appropriate reporting and billing of physicians' services associated with pharmacy facilities management and medical oncology treatment planning.

1 **SEC. 2. APPLICATION OF AVERAGE SALES PRICE PAYMENT**

2 **METHODOLOGY.**

3 (a) **REQUIRING MONTHLY AND NOT QUARTERLY DE-**  
4 **TERMINATIONS.—**

5 (1) **IN GENERAL.—**Section 1847A(c) of the So-  
6 cial Security Act (42 U.S.C. 1395w-3a(c)) is  
7 amended—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-  
10 graph (A) and in subparagraph (A), by  
11 striking “calendar quarter” and inserting  
12 “month” each place it appears; and

13 (ii) in subparagraph (B), by striking  
14 “quarter” and inserting “month”;

15 (B) in paragraph (4)—

16 (i) in the heading, by striking “QUAR-  
17 TER” and inserting “MONTH”; and

18 (ii) by striking “calendar quarter”  
19 and inserting “month”; and

20 (C) in paragraph (5)—

21 (i) in subparagraph (A), by striking  
22 “quarterly” and inserting “monthly” each  
23 place it appears; and

1 (ii) by amending subparagraph (B) to  
2 read as follows:

3 “(B) UPDATES IN PAYMENT AMOUNTS.—  
4 The payment amounts under subsection (b)  
5 shall be updated and applied by the Secretary  
6 based upon the manufacturer’s average sales  
7 price for a drug or biological calculated for the  
8 most recent month for which data are available.  
9 This update shall be made no later than two  
10 months following publication of such data by  
11 the manufacturer.”.

12 (2) EFFECTIVE DATE.—The amendments made  
13 by paragraph (1) shall apply to payment amounts  
14 for months beginning on or after January 1, 2008.

15 (b) ADJUSTMENT TO AVERAGE SALES PRICE CAL-  
16 CULATION.—

17 (1) IN GENERAL.—Section 1847A(c) of such  
18 Act (42 U.S.C. 1395w-3(a)(c)) is further amended  
19 in paragraph (3)—

20 (A) in the first sentence, by striking  
21 “prompt pay discounts,”; and

22 (B) in the second sentence, by inserting  
23 “(other than prompt pay discounts),” after  
24 “other price concessions,”.

1           (2) EFFECTIVE DATE.—The amendments made  
2           by paragraph (1) shall apply to payment amounts  
3           for months beginning on or after January 1, 2008.

4 **SEC. 3. INCREASE IN MEDICARE PART B REIMBURSEMENT**  
5                           **FOR CERTAIN CHEMOTHERAPY ADMINISTRATION.**  
6                           **TION.**

7           (a) IN GENERAL.—Section 1848(a) of the Social Se-  
8           curity Act (42 U.S.C. 1395w-4(a)) is amended by adding  
9           at the end the following new paragraph:

10                   “(5) SPECIAL RULE FOR CERATIN CHEMO-  
11           THERAPY ADMINISTRATION.—

12                   “(A) IN GENERAL.—In the case of Medi-  
13           care chemotherapy administration services fur-  
14           nished on or after January 1, 2008, the fee  
15           schedule amount to be applied shall be equal to  
16           the following:

17                   “(i) FIRST HOUR OF CHEMOTHERAPY  
18           INFUSIONS.—For such services described  
19           in clause (i), (ii), or (iii) of subparagraph  
20           (B), an amount equal to 132 percent of  
21           the fee schedule amount otherwise applica-  
22           ble under this section (without regard to  
23           this paragraph) for such respective serv-  
24           ices.

1           “(ii) SUBSEQUENT HOURS OF CHEMO-  
2           THERAPY INFUSIONS.—For such services  
3           described in clause (iv) or (v) of subpara-  
4           graph (B), an amount equal to 70 percent  
5           of the amount determined under clause (i)  
6           for services described in clause (i) or (iii),  
7           respectively, of such subparagraph.

8           “(B) MEDICARE CHEMOTHERAPY ADMINIS-  
9           TRATION SERVICES DEFINED.—For purposes of  
10          this paragraph, the term ‘Medicare chemo-  
11          therapy administration services’ means physi-  
12          cians’ services identified, as of January 1,  
13          2007, by any of the following codes (or any suc-  
14          cessor to such a code as identified by the Sec-  
15          retary) for which payments are made under  
16          subsection (b):

17                 “(i) CPT code 96413 (relating to in-  
18                 travenous infusions of initial drug up to  
19                 one hour).

20                 “(ii) CPT code 96417 (relating to ad-  
21                 ditional, sequential intravenous infusions of  
22                 different drugs up to one hour).

23                 “(iii) CPT code 96422 (relating to  
24                 inter-arterial infusions for up to one hour).

1 “(iv) CPT code 96415 (relating to in-  
2 travenous infusions for subsequent hours).

3 “(v) CPT code 96423 (relating to  
4 inter-arterial infusions for subsequent  
5 hours).”.

6 **SEC. 4. PROVISIONS FOR THE APPROPRIATE REPORTING**  
7 **AND BILLING OF PHYSICIANS’ SERVICES AS-**  
8 **SOCIATED WITH PHARMACY FACILITIES MAN-**  
9 **AGEMENT AND MEDICAL ONCOLOGY TREAT-**  
10 **MENT PLANNING.**

11 (a) IN GENERAL.—Section 1848(c)(2) of the Social  
12 Security Act (42 U.S.C. 1395w-4(c)(2)) is amended—

13 (1) in subparagraph (B)(iv)—

14 (A) in subclause (II), by striking “and”;

15 (B) in subclause (III), by striking the pe-  
16 riod; and

17 (C) by adding at the end the following new  
18 subclauses:

19 “(IV) subparagraph (K) insofar  
20 as it relates to a physician fee sched-  
21 ule for 2008 and each subsequent  
22 year shall not be taken into account in  
23 applying clause (ii)(II) for drug ad-  
24 ministration services under the fee  
25 schedule for such year; and

1                   “(V) subparagraph (L) insofar as  
2                   it relates to a physician fee schedule  
3                   for 2008 and each subsequent year  
4                   shall not be taken into account in ap-  
5                   plying clause (ii)(II) for medical on-  
6                   cology treatment planning services  
7                   under the fee schedule for such  
8                   year.”; and

9                   (2) by adding at the end the following new sub-  
10                  paragraphs:

11                   “(K) ADJUSTMENT IN PAYMENT RATES  
12                   FOR PHARMACY FACILITIES MANAGEMENT  
13                   COSTS.—In establishing the physician fee  
14                   schedule under subsection (b) with respect to  
15                   payments for drug administration services fur-  
16                   nished on or after January 1, 2008, and in  
17                   order to take into account pharmacy facilities  
18                   management costs, the Secretary shall provide  
19                   for an additional payment for such services in  
20                   an amount equal to 2 percent of the amount de-  
21                   termined under section 1847A for the drug ad-  
22                   ministered.

23                   “(L) PROVISIONS FOR THE APPROPRIATE  
24                   REPORTING AND BILLING OF PHYSICIANS’  
25                   SERVICES ASSOCIATED WITH PHARMACY FACILI-

1                   TIES MANAGEMENT AND MEDICAL ONCOLOGY  
2                   TREATMENT PLANNING.—

3                   “(i) CREATION OF NEW CPT CODES.—

4                                 “(I) PHARMACY FACILITIES MAN-  
5                                 AGEMENT.—Not later than one year  
6                                 after the date of the enactment of this  
7                                 subparagraph, in carrying out sub-  
8                                 paragraph (K), the Secretary shall  
9                                 issue appropriate CPT codes for the  
10                                reporting and billing of pharmacy fa-  
11                                cilities management services that  
12                                would correspond to the additional  
13                                payment provided under subparagraph  
14                                (K).

15                               “(II)        MEDICAL        ONCOLOGY  
16                                TREATMENT    PLANNING.—Not later  
17                                than one year after the date of the en-  
18                                actment of this subparagraph, the  
19                                Secretary shall issue two new CPT  
20                                codes, one moderate and one complex,  
21                                for the reporting and billing of med-  
22                                ical oncology treatment planning serv-  
23                                ices furnished by physicians and other  
24                                professional staff in the specialties of



1                   hematology, hematology-oncology, and  
2                   medical oncology.

3                   “(ii) USE OF EXISTING PROCESSES.—

4                   In carrying out clause (i), the Secretary  
5                   shall use existing processes for the imple-  
6                   mentation of such coding changes, as ap-  
7                   propriate.

8                   “(iii) CONSULTATION.—In carrying  
9                   out clause (i), the Secretary shall consult  
10                  with representatives of physicians in the  
11                  specialties of hematology, hematology-on-  
12                  cology, and medical oncology affected by  
13                  the adoption of such coding changes.”.

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