

110TH CONGRESS
2D SESSION

H. R. 5780

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

APRIL 10, 2008

Mrs. WILSON of New Mexico (for herself, Mr. ETHERIDGE, and Mr. UDALL of New Mexico) 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 2008”.

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 (Z);

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

9 (3) by inserting after subparagraph (AA) the
10 following new subparagraph:

11 “(BB) clinical pharmacist practitioner
12 services (as defined in subsection (ddd)(1));
13 and”.

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

17 “(ddd) **CLINICAL PHARMACIST PRACTITIONER SERV-**
18 **ICES; CLINICAL PHARMACIST PRACTITIONER.**—(1) The
19 term ‘clinical pharmacist practitioner services’ means such
20 direct patient care services provided by a pharmacist clini-
21 cian or clinical pharmacist practitioner, and such services
22 furnished as incident to the services of the clinician or
23 practitioner, respectively, which the clinician or practi-
24 tioner, respectively, is legally authorized to perform under
25 State law (or the State regulatory mechanism as provided
26 by State law) in a collaborative practice agreement as

1 would otherwise be covered under this part if furnished
2 by a physician, or as incident to a physician’s professional
3 service.

4 “(2) The terms ‘pharmacist clinician’ and ‘clinical
5 pharmacist practitioner’ mean a pharmacist who—

6 “(A) is certified by a State as a pharmacist cli-
7 nician or clinical pharmacist practitioner as a result
8 of completing training in physical assessment and
9 clinical hours of experience, as required by State law
10 and the rules of State Boards of Pharmacy, in addi-
11 tion to any requirements of such State to be a li-
12 censed pharmacist;

13 “(B) has prescriptive authority, as established
14 by State statute; and

15 “(C) is involved in the application of the sci-
16 entific principles of pharmacology, toxicology, thera-
17 peutics, clinical pharmacokinetics,
18 pharmacoeconomics, and other life sciences for the
19 direct care of patients”.

20 (c) PAYMENT.—

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

23 (A) by striking “and (V)” and inserting
24 “(V)”; and

(B) by striking the semicolon at the end and inserting the following: “, and (W) with respect to clinical pharmacist practitioner services (as defined in section 1861(ddd)(1)), the amounts paid shall be 85 percent of the amounts provided for such services under section 1834(n)(1);”.

(2) ESTABLISHMENT OF FEE SCHEDULES.—

Section 1834 of such Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

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

“(1) DEVELOPMENT.—The Secretary shall develop and implement, for services furnished not later than January 1, 2010—

“(A) a relative value scale to serve as the basis for the payment of clinical pharmacist practitioner services (as defined in section 1861(ddd)(1)) under this part; and

“(B) using such scale and appropriate conversion factors, fee schedules (on a regional, statewide, locality, or carrier service area basis) for payment for clinical pharmacist practitioner services under this part.

1 “(2) PAYMENTS PRIOR TO IMPLEMENTATION
2 OF FEE SCHEDULES.—In the case of clinical phar-
3 macist practitioner services which are furnished be-
4 fore the implementation of fee schedules under para-
5 graph (1)(B) and after January 1, 2009, the
6 amount of payment made under this part shall be
7 based on 85 percent of the fee schedule amount ap-
8 plicable under section 1848 if the services were fur-
9 nished by a physician.”.

10 (3) REPORT TO CONGRESS.—Not later than
11 September 30, 2009, the Secretary of Health and
12 Human Services shall submit to Congress a report
13 on the fee schedules (including relative value scale
14 and appropriate conversion factors) developed pursu-
15 ant to section 1834(n)(1) of the Social Security Act
16 (as added by paragraph (2)) for clinical pharmacist
17 practitioner services under part B of title XVIII of
18 such Act.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to services furnished on or after
21 January 1, 2009.

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