

110TH CONGRESS
1ST SESSION

S. 1750

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

IN THE SENATE OF THE UNITED STATES

JULY 9, 2007

Mr. SPECTER (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

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 certain 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

24 (ii) by amending subparagraph (B) to
25 read as follows:

1 “(B) UPDATES IN PAYMENT AMOUNTS.—

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

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

13 (b) ADJUSTMENT TO AVERAGE SALES PRICE CAL-
14 CULATION.—

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

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

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

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

1 **SEC. 3. INCREASE IN MEDICARE PART B REIMBURSEMENT**
 2 **FOR CERTAIN CHEMOTHERAPY ADMINISTRA-**
 3 **TION.**

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

7 “(5) SPECIAL RULE FOR CERTAIN CHEMO-
 8 THERAPY ADMINISTRATION.—

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

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

22 “(ii) SUBSEQUENT HOURS OF CHEMO-
 23 THERAPY INFUSIONS.—For such services
 24 described in clause (iv) or (v) of subpara-
 25 graph (B), an amount equal to 70 percent
 26 of the amount determined under clause (i)

1 for services described in clause (i) or (iii),
2 respectively, of such subparagraph.

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

12 “(i) CPT code 96413 (relating to in-
13 travenous infusions of initial drug up to
14 one hour).

15 “(ii) CPT code 96417 (relating to ad-
16 ditional, sequential intravenous infusions of
17 different drugs up to one hour).

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

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

22 “(v) CPT code 96423 (relating to
23 inter-arterial infusions for subsequent
24 hours).”.

1 **SEC. 4. PROVISIONS FOR THE APPROPRIATE REPORTING**
 2 **AND BILLING OF PHYSICIANS' SERVICES AS-**
 3 **SOCIATED WITH PHARMACY FACILITIES MAN-**
 4 **AGEMENT AND MEDICAL ONCOLOGY TREAT-**
 5 **MENT PLANNING.**

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

8 (1) in subparagraph (B)(iv)—

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

10 (B) in subclause (III), by striking the pe-
 11 riod; and

12 (C) by adding at the end the following new
 13 subclauses:

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

21 “(V) subparagraph (L) insofar as
 22 it relates to a physician fee schedule
 23 for 2008 and each subsequent year
 24 shall not be taken into account in ap-
 25 plying clause (ii)(II) for medical on-
 26 cology treatment planning services

1 under the fee schedule for such
 2 year.”; and

3 (2) by adding at the end the following new sub-
 4 paragraphs:

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

17 “(L) PROVISIONS FOR THE APPROPRIATE
 18 REPORTING AND BILLING OF PHYSICIANS’
 19 SERVICES ASSOCIATED WITH PHARMACY FACILI-
 20 TIES MANAGEMENT AND MEDICAL ONCOLOGY
 21 TREATMENT PLANNING.—

22 “(i) CREATION OF NEW CPT CODES.—
 23 “(I) PHARMACY FACILITIES MAN-
 24 AGEMENT.—Not later than one year
 25 after the date of the enactment of this

subparagraph, in carrying out subparagraph (K), the Secretary shall issue appropriate CPT codes for the reporting and billing of pharmacy facilities management services that would correspond to the additional payment provided under subparagraph (K).

“(II) MEDICAL ONCOLOGY TREATMENT PLANNING.—Not later than one year after the date of the enactment of this subparagraph, the Secretary shall issue two new CPT codes, one moderate and one complex, for the reporting and billing of medical oncology treatment planning services furnished by physicians and other professional staff in the specialties of hematology, hematology-oncology, and medical oncology.

“(ii) USE OF EXISTING PROCESSES.—In carrying out clause (i), the Secretary shall use existing processes for the implementation of such coding changes, as appropriate.

1 “(iii) CONSULTATION.—In carrying
2 out clause (i), the Secretary shall consult
3 with representatives of physicians in the
4 specialties of hematology, hematology-on-
5 cology, and medical oncology affected by
6 the adoption of such coding changes.”.

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