

111TH CONGRESS
2D SESSION

H. R. 5235

To amend title XVIII of the Social Security Act to exempt blood glucose self-testing equipment and supplies furnished by small retail community pharmacies from Medicare competitive acquisition programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2010

Mr. WELCH (for himself and Mr. ROGERS of Michigan) 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 exempt blood glucose self-testing equipment and supplies furnished by small retail community pharmacies from Medicare competitive acquisition programs.

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 “Medicare Access to
5 Diabetes Supplies Act”.

1 **SEC. 2. EXEMPTION OF BLOOD GLUCOSE SELF-TESTING**
2 **EQUIPMENT AND SUPPLIES FURNISHED BY**
3 **SMALL RETAIL COMMUNITY PHARMACIES**
4 **FROM MEDICARE COMPETITIVE ACQUISITION PROGRAMS.**
5

6 (a) IN GENERAL.—Section 1847(a)(7) of the Social
7 Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by
8 adding at the end the following new subparagraph:

9 “(C) CERTAIN BLOOD GLUCOSE SELF-
10 TESTING EQUIPMENT AND SUPPLIES.—

11 “(i) IN GENERAL.—Blood glucose self-
12 testing equipment and supplies furnished
13 by a retail community pharmacy (as de-
14 fined in section 1927(k)(10)) that is a
15 small business concern (as defined in sec-
16 tion 3(a) of the Small Business Act (15
17 U.S.C. 632(a)).

18 “(ii) BLOOD GLUCOSE SELF-TESTING
19 EQUIPMENT AND SUPPLIES DEFINED.—
20 For purposes of this subparagraph, the
21 term ‘blood glucose self-testing equipment
22 and supplies’ includes blood glucose mon-
23 itors, blood-testing strips, lancet devices
24 and lancets, and glucose control solutions
25 for checking the accuracy of the monitors
26 and testing strips.”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendment made by subsection (a)
4 shall apply on and after the date of the enactment
5 of this Act.

6 (2) EFFECTIVE DATE IN AREAS WITH CON-
7 TRACTS.—If contracts for a competitive acquisition
8 area for blood glucose self-testing equipment and
9 supplies are (or have been) entered into under a
10 competition for which the close of bidding was on or
11 before the date of the enactment of this Act, the
12 amendment made by subsection (a) shall apply in
13 the area on and after the date on which all such
14 contracts have expired.

15 (3) DEFINITIONS.—For purposes of this sub-
16 section—

17 (A) the term “close of bidding” means the
18 final date specified by the Secretary of Health
19 and Human Services for submission of bids;
20 and

21 (B) the term “competition” means a com-
22 petition conducted pursuant to section
23 1847(b)(1) of the Social Security Act (42
24 U.S.C. 1395w–3(b)(1)).

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