

111TH CONGRESS  
2D SESSION

# H. R. 5389

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2010

Mr. HEINRICH 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 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 2010”.

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 (EE);

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

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

11 “(GG) clinical pharmacist practitioner  
 12 services (as defined in subsection (iii)(1)); and”.

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

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

1 by a physician, or as incident to a physician’s professional  
2 service.

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

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

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

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

19 (c) PAYMENT.—

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

22 (A) by striking “and (Z)” and inserting  
23 “(Z)”; and

24 (B) by striking the semicolon at the end  
25 and inserting the following: “, and (AA) with

1       respect to clinical pharmacist practitioner serv-  
2       ices (as defined in section 1861(iii)(1)), the  
3       amounts paid shall be 85 percent of the  
4       amounts provided for such services under sec-  
5       tion 1834(p)(1);”.

6       (2) ESTABLISHMENT OF FEE SCHEDULES.—

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

10      “(p) FEE SCHEDULES FOR CLINICAL PHARMACIST  
11      PRACTITIONER SERVICES.—

12           “(1) DEVELOPMENT.—The Secretary shall de-  
13      velop and implement, for services furnished on or  
14      after January 1, 2011—

15           “(A) a relative value scale to serve as the  
16      basis for the payment of clinical pharmacist  
17      practitioner services (as defined in section  
18      1861(iii)(1)) under this part; and

19           “(B) using such scale and appropriate con-  
20      version factors, fee schedules (on a regional,  
21      statewide, locality, or carrier service area basis)  
22      for payment for clinical pharmacist practitioner  
23      services under this part.

24           “(2) PAYMENTS PRIOR TO IMPLEMENTATION  
25      OF FEE SCHEDULES.—In the case of clinical phar-

1       macist practitioner services which are furnished be-  
2       fore the implementation of fee schedules under para-  
3       graph (1)(B) and after July 1, 2010, the amount of  
4       payment made under this part shall be based on 85  
5       percent of the fee schedule amount applicable under  
6       section 1848 if the services were furnished by a phy-  
7       sician.”.

8               (3) REPORT TO CONGRESS.—Not later than  
9       September 30, 2011, the Secretary of Health and  
10       Human Services shall submit to Congress a report  
11       on the fee schedules (including relative value scale  
12       and appropriate conversion factors) developed pursu-  
13       ant to section 1834(p)(1) of the Social Security Act  
14       (as added by paragraph (2)) for clinical pharmacist  
15       practitioner services under part B of title XVIII of  
16       such Act.

17       (d) EFFECTIVE DATE.—The amendments made by  
18       this section shall apply to services furnished on or after  
19       July 1, 2010.

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