

113TH CONGRESS
1ST SESSION

H. R. 3320

To ensure appropriate coverage of ventricular assist devices under the Medicare program under title XVIII of the Social Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2013

Mr. BUCSHON introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 ensure appropriate coverage of ventricular assist devices under the Medicare program under title XVIII of the Social Security Act, and for other purposes.

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 Ventricular
5 Assist Device Access Act of 2013”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Ventricular assistance devices are mechan-
2 ical blood pumps that surgeons attach to a damaged
3 or weakened native heart to assist in pumping blood.

4 (2) Under its coverage policy as of the date of
5 the enactment of this Act, the Medicare program
6 covers ventricular assist devices for Medicare bene-
7 ficiaries that meet certain criteria after open-heart
8 surgery, that are approved and listed as candidates
9 for heart transplant by a Medicare-approved heart
10 transplant center, and for those who are not eligible
11 for a heart transplant.

12 (3) The Medicare program does not currently
13 cover Medicare beneficiaries for ventricular assist de-
14 vices who are—

15 (A) undergoing an evaluation to determine
16 their candidacy for heart transplantation; or

17 (B) potential heart transplant candidates,
18 but who are currently not eligible for heart
19 transplantation because of a contraindication
20 that may be favorably modified by the use of a
21 ventricular assist device.

22 (4) Approximately 40 percent of patients who
23 receive a ventricular assist device are not eligible for
24 a heart transplant initially, but may become eligible

1 as the ventricular support improves their overall
2 health.

3 (b) PURPOSE.—The purpose of this Act is to ensure
4 Medicare beneficiaries with heart failure have appropriate
5 access to ventricular assist devices.

6 **SEC. 3. REVISION OF MEDICARE VENTRICULAR ASSIST DE-**
7 **VICE NATIONAL COVERAGE POLICY.**

8 (a) IN GENERAL.—Notwithstanding section
9 1862(a)(1)(A) of the Social Security Act (42 U.S.C.
10 1395y(a)(1)(A)) or any other provision of law, the Sec-
11 retary of Health and Human Services (in this section re-
12 ferred to as the “Secretary”) shall revise the Medicare na-
13 tional coverage determination (as defined in section
14 1869(f)(1)(B) of the Social Security Act (42 U.S.C.
15 1395ff(f)(1)(B))) relating to coverage of ventricular assist
16 devices to extend the coverage of such devices under title
17 XVIII of the Social Security Act applied as of the date
18 of the enactment of this Act with respect to individuals
19 approved for heart transplantation to also apply to—

20 (1) individuals who are undergoing an evalua-
21 tion to determine candidacy for heart transplan-
22 tation; and

23 (2) individuals who would be potential heart
24 transplant candidates, but are not so eligible because

1 of a contraindication that may be favorably modified
2 by the use of a ventricular assist device.

3 (b) CONSTRUCTION.—Nothing in this section shall be
4 construed—

5 (1) to limit coverage of ventricular assist de-
6 vices for Medicare beneficiaries who meet the Medi-
7 care criteria for coverage of ventricular assist devices
8 as of the date of enactment of this Act; or

9 (2) as preventing the Secretary from expanding
10 its coverage decision beyond the coverage required
11 under this section.

12 (c) REVISION OF NATIONAL COVERAGE DECISION;
13 EFFECTIVE DATE.—

14 (1) REVISION OF NATIONAL COVERAGE DECI-
15 SION.—The Secretary shall use the processes de-
16 scribed in section 1862(l) of the Social Security Act
17 (42 U.S.C. 1395y(l)) to revise its national coverage
18 determination relating to ventricular assist devices
19 to incorporate the requirements of this section.

20 (2) EFFECTIVE DATE.—The revised coverage
21 decision described in paragraph (1) shall apply to
22 ventricular assist devices furnished on or after the
23 date that is 30 days after the date of the enactment
24 of this Act, regardless of the date on which the Sec-

- 1 retary completes the process required under such
- 2 paragraph.

