

113TH CONGRESS
2D SESSION

S. 2980

To amend title XVIII of the Social Security Act to modify payment under the Medicare program for outpatient department procedures that utilize drugs as supplies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2014

Mr. MENENDEZ (for himself, Mr. KIRK, and Mr. BURR) 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 modify payment under the Medicare program for outpatient department procedures that utilize drugs as supplies, 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 “Ensuring Equal Access
5 to Treatments Act of 2014”.

1 **SEC. 2. PAYMENT UNDER THE MEDICARE PROGRAM FOR**
 2 **OUTPATIENT DEPARTMENT PROCEDURES**
 3 **THAT UTILIZE DRUGS AS SUPPLIES.**

4 Section 1833(t)(2)(G) of the Social Security Act (42
 5 U.S.C. 1395l(t)(2)(G)) is amended by striking “shall” and
 6 all that follows and inserting the following: “shall—

7 “(i) create additional groups of cov-
 8 ered OPD services that classify separately
 9 those procedures that utilize contrast
 10 agents from those that do not;

11 “(ii) create and implement, for serv-
 12 ices furnished after the date of the enact-
 13 ment of this clause and in a budget neutral
 14 manner, additional groups of covered OPD
 15 services that classify separately those pro-
 16 cedures that utilize a drug (other than con-
 17 trast agents and diagnostic radiopharma-
 18 ceuticals) that both—

19 “(I) has a cost above the drug
 20 packaging threshold; and

21 “(II) functions as a supply when
 22 used in a diagnostic test or procedure;
 23 from those that do not; and”.

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