

114TH CONGRESS
1ST SESSION

H. R. 2437

To amend part B of title XVIII of the Social Security Act regarding high cost durable medical equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

Mrs. BLACKBURN 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 part B of title XVIII of the Social Security Act regarding high cost durable medical equipment, 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 **SEC. ____ . PRIOR AUTHORIZATION PROCESS FOR CERTAIN**
4 **HIGH COST DURABLE MEDICAL EQUIPMENT,**
5 **PROSTHETICS, ORTHOTICS, AND SUPPLIES**
6 **UNDER THE MEDICARE PROGRAM.**

7 Section 1834(a)(15) of the Social Security Act (42
8 U.S.C. 1395m(a)(15)) is amended—

1 (1) in the paragraph heading, by striking
2 “ITEMS”and inserting “ITEMS; PRIOR AUTHORIZA-
3 TION PROCESS FOR CERTAIN HIGH COST DURABLE
4 MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS,
5 AND SUPPLIES”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(D) PRIOR AUTHORIZATION PROCESS FOR
9 CERTAIN HIGH COST DURABLE MEDICAL EQUIP-
10 MENT, PROSTHETICS, ORTHOTICS, AND SUP-
11 PLIES.—

12 “(i) IN GENERAL.—Not later than 1
13 year after the date of the enactment of this
14 subparagraph, the Secretary shall begin
15 the process to develop and implement a
16 prior authorization process for certain du-
17 rable medical equipment, prosthetics,
18 orthotics, and supplies. A claim for an item
19 of durable medical equipment, a prosthetic,
20 an orthotic, or a supply that has received
21 prior approval through the prior authoriza-
22 tion process shall be exempt from subse-
23 quent pre- and post-payment audits and
24 only subject to audits for systematic fraud
25 and abuse.

1 “(ii) CONSIDERATION OF FACTORS.—

2 The Secretary shall consider the following
3 factors in developing and implementing the
4 prior authorization process under this sub-
5 paragraph:

6 “(I) Beneficiary access to timely
7 care.

8 “(II) Alignment with the best
9 practices of commercial managed care
10 plans and Medicare Advantage plans
11 under part C that have expertise in
12 prior authorization processes.

13 “(III) Implementation of stand-
14 ard medical necessity evaluation prior
15 authorization requests for physician
16 and hospital referral agents and non-
17 physician practitioners.

18 “(IV) Accounting for same day
19 delivery expectations by providing for
20 expedited emergency review for cer-
21 tain items, including oxygen.

22 “(iii) IMPLEMENTATION.—The Sec-
23 retary shall promulgate a regulation to
24 carry out the prior authorization process

1 under this subparagraph. The regulation
2 shall—

3 “(I) ensure that stakeholders
4 participate in the development of the
5 process; and

6 “(II) place priority on prior au-
7 thorization of items that are subject
8 to a high number of contractor audits,
9 including oxygen.”.

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