

114TH CONGRESS
1ST SESSION

S. 1718

To provide for the repeal of certain provisions of the Patient Protection and Affordable Care Act that have the effect of rationing health care.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2015

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the repeal of certain provisions of the Patient Protection and Affordable Care Act that have the effect of rationing health care.

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 “Four Rationers Repeal
5 Act of 2015”.

6 **SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVI-**
7 **SORY BOARD.**

8 Effective as of the enactment of the Patient Protec-
9 tion and Affordable Care Act (Public Law 111–148), sec-
10 tions 3403 and 10320 of such Act (including the amend-

1 ments made by such sections) are repealed, and any provi-
 2 sion of law amended by such sections is hereby restored
 3 as if such sections had not been enacted into law.

4 **SEC. 3. REPEAL OF THE CENTER FOR MEDICARE AND MED-**
 5 **ICAID INNOVATION.**

6 (a) IN GENERAL.—Section 1115A of the Social Secu-
 7 rity Act (42 U.S.C. 1315a) is repealed.

8 (b) CONFORMING AMENDMENTS.—

9 (1) TITLE XVIII OF SSA.—Section
 10 1899(b)(4)(A) of the Social Security Act (42 U.S.C.
 11 1395jjj(b)(4)(A)) is amended to read as follows:

12 “(A) A program or demonstration project
 13 that involves shared savings under this title.”.

14 (2) TITLE XIX OF SSA.—Section 1902(a) of the
 15 Social Security Act (42 U.S.C. 1396a(a)) is amend-
 16 ed—

17 (A) in paragraph (79), by adding “and”
 18 after the semicolon at the end;

19 (B) in paragraph (80), by striking “; and”
 20 and inserting a period; and

21 (C) by striking paragraph (81).

22 (3) PHSA.—Section 933 of the Public Health
 23 Service Act (42 U.S.C. 299b–33) is amended—

24 (A) by striking subsection (f); and

1 (B) by redesignating subsection (g) as sub-
 2 section (f).

3 (4) PPACA.—The Patient Protection and Af-
 4 fordable Care Act (Public Law 111–148) is amend-
 5 ed—

6 (A) in section 2705 (42 U.S.C. 1315a
 7 note)—

8 (i) in subsection (a), by striking
 9 “shall, in coordination” and that follows
 10 through “establish” and inserting “shall
 11 establish”; and

12 (ii) in subsection (d)(2), by striking
 13 “section 1115A(b)(3) of the Social Secu-
 14 rity Act (as so added)” and inserting “the
 15 Social Security Act”; and

16 (B) in section 10328(b) (42 U.S.C.
 17 1395w–104 note), by striking “or to study” and
 18 all that follows through “3021”.

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall take effect on the date of enactment of
 21 this Act.

1 **SEC. 4. REPEAL OF CERTAIN UNITED STATES PREVENTIVE**
 2 **SERVICES TASK FORCE AUTHORITY.**

3 (a) **AUTHORITY TO DETERMINE BENEFITS.**—Section
 4 2713(a) of the Public Health Service Act (42 U.S.C.
 5 300gg–13(a)) is amended—

6 (1) by striking paragraph (1);

7 (2) in paragraph (3), by striking “not described
 8 in paragraph (1)”; and

9 (3) by redesignating paragraphs (2) through
 10 (5) as paragraphs (1) through (4), respectively.

11 (b) **REPEAL OF COMMUNITY PREVENTIVE SERVICES**
 12 **TASK FORCE.**—Section 4003 of the Patient Protection
 13 and Affordable Care Act (Public Law 111–148) is re-
 14 pealed and the provisions of the Public Health Service Act
 15 amended by such section are restored or revived as if such
 16 section 4003 had not been enacted.

17 **SEC. 5. PROHIBITION ON CERTAIN USES OF DATA OB-**
 18 **TAINED FROM COMPARATIVE EFFECTIVE-**
 19 **NESS RESEARCH; ACCOUNTING FOR PERSON-**
 20 **ALIZED MEDICINE AND DIFFERENCES IN PA-**
 21 **TIENT TREATMENT RESPONSE.**

22 (a) **IN GENERAL.**—Notwithstanding any other provi-
 23 sion of law, the Secretary of Health and Human Serv-
 24 ices—

25 (1) shall not use data obtained from the con-
 26 duct of comparative effectiveness research, including

1 such research that is conducted or supported using
2 funds appropriated under the American Recovery
3 and Reinvestment Act of 2009 (Public Law 111–5)
4 or authorized or appropriated under the Patient
5 Protection and Affordable Care Act (Public Law
6 111–148), to deny or delay coverage of an item or
7 service under a Federal health care program (as de-
8 fined in section 1128B(f) of the Social Security Act
9 (42 U.S.C. 1320a–7b(f))); and

10 (2) shall ensure that comparative effectiveness
11 research conducted or supported by the Federal
12 Government accounts for factors contributing to dif-
13 ferences in the treatment response and treatment
14 preferences of patients, including patient-reported
15 outcomes, genomics and personalized medicine, the
16 unique needs of health disparity populations, and in-
17 direct patient benefits.

18 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as affecting the authority of the
20 Commissioner of Food and Drugs under the Federal
21 Food, Drug, and Cosmetic Act or the Public Health Serv-
22 ice Act.

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