

115TH CONGRESS
2D SESSION

H. R. 6948

To amend title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, diagnostic radiopharmaceuticals under the Medicare hospital outpatient prospective payment system.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2018

Mr. HOLDING (for himself and Mr. MOULTON) 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 title XVIII of the Social Security Act to ensure equitable payment for, and preserve Medicare beneficiary access to, diagnostic radiopharmaceuticals under the Medicare hospital outpatient prospective payment system.

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 Diagnostic
5 Radiopharmaceutical Payment Equity Act of 2018”.

1 **SEC. 2. SEPARATE PAYMENT FOR CERTAIN DIAGNOSTIC**
2 **RADIOPHARMACEUTICALS.**

3 Section 1833(t)(16) of the Social Security Act (42
4 U.S.C. 1395l(t)(16)) is amended by adding at the end the
5 following new subparagraph:

6 “(G) SEPARATE PAYMENT FOR CERTAIN
7 DIAGNOSTIC RADIOPHARMACEUTICALS.—

8 “(i) IN GENERAL.—Notwithstanding
9 any other provision of this subsection, with
10 respect to services furnished on or after
11 January 1, 2019, the Secretary shall not
12 package, and shall make a separate pay-
13 ment as specified in clause (ii) for, a diag-
14 nostic radiopharmaceutical with an esti-
15 mated mean per day product cost equal to
16 or exceeding the threshold specified in
17 clause (iii).

18 “(ii) SEPARATE PAYMENT.—For pur-
19 poses of clause (i), payment specified in
20 this clause for a diagnostic radiopharma-
21 ceutical described in clause (i) shall be
22 equal to—

23 “(I) the average sales price for
24 the drug established under section
25 1847A, to the extent the average sales
26 price is available, as calculated and

1 adjusted by the Secretary to the ex-
2 tent such adjustment is adopted for
3 other specified covered outpatient
4 drugs under paragraph (14)(A); or

5 “(II) if the data necessary to cal-
6 culate the average price for the drug
7 in the year under the sections speci-
8 fied in subclause (I) is not available,
9 the average acquisition cost for the
10 drug for that year (which, at the op-
11 tion of the Secretary, may vary by
12 hospital group (as defined by the Sec-
13 retary based on volume of covered
14 OPD services or other relevant char-
15 acteristics)), as determined by the
16 Secretary taking into account the hos-
17 pital acquisition cost survey data
18 under paragraph (14)(D).

19 “(iii) THRESHOLD.—For purposes of
20 this subparagraph, the threshold specified
21 in this clause—

22 “(I) for 2019, is \$500; and

23 “(II) for subsequent years, is the
24 amount specified in this clause for the
25 preceding year increased by the per-

1 centage of the OPD fee schedule in-
2 crease factor under paragraph
3 (3)(C)(iv) for the applicable year.

4 “(iv) BUDGET NEUTRALITY.—The
5 Secretary shall make such adjustments as
6 are necessary under this subsection, with
7 respect to a year, to ensure that the
8 amount of expenditures under this sub-
9 section for such year with application of
10 this subparagraph is equal to the amount
11 of expenditures that would be made under
12 this subsection for such year without appli-
13 cation of this subparagraph.

14 “(v) DEFINITION.—For purposes of
15 this subparagraph, a diagnostic radio-
16 pharmaceutical is a drug or biological that
17 is described in section 315.2(a) of title 21,
18 Code of Federal Regulations, or any suc-
19 cessor regulation.”.

○