

116TH CONGRESS
2D SESSION

S. 4295

To amend title XVIII of the Social Security Act to ensure access to certain drugs and devices under the Medicare program.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

Mr. PAUL 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 ensure access to certain drugs and devices under the Medicare program.

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 “Public Health Emer-
5 gency Pass-Through Payment Fairness Act of 2020”.

6 **SEC. 2. ENSURING ACCESS TO CERTAIN DRUGS AND DE-**
7 **VICES.**

8 (a) IN GENERAL.—Section 1833(t)(6) of the Social
9 Security Act (42 U.S.C. 1395l(t)(6)) is amended by add-
10 ing at the end the following new subparagraph:

1 “(K) AUTHORITY TO EXTEND PASS-
2 THROUGH TIME PERIOD.—The Secretary may
3 extend the limited period of pass-through pay-
4 ment and associated categories described under
5 subparagraphs (B) and (C) during an emer-
6 gency period described in section
7 1135(g)(1)(B), and the period during which
8 such an emergency extension is in effect shall
9 not be counted for purposes of calculating the
10 period during which pass-through status is in
11 effect under such subparagraphs after the
12 emergency period expires.”.

13 (b) IMPLEMENTATION.—The Secretary of Health and
14 Human Services may implement the amendment made by
15 subsection (a) by interim final rule, program instructions,
16 or otherwise.

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