

114TH CONGRESS
1ST SESSION

H. R. 1178

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 HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2015

Mr. REED (for himself, Mrs. CAPPS, Mr. GUTHRIE, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSKAM, and Mr. KIND) 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 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 2015”.

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, diagnostic radiopharma-
18 ceuticals, or anesthesia drugs) 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”.