

118TH CONGRESS
1ST SESSION

H. R. 5555

To direct the Secretary of Health and Human Services to provide for certain adjustments to Medicare payment for items of durable medical equipment that were formerly included in round 2021 of the DMEPOS competitive bidding program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2023

Mrs. MILLER-MEEKS (for herself, Mr. TONKO, and Mrs. HINSON) 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 direct the Secretary of Health and Human Services to provide for certain adjustments to Medicare payment for items of durable medical equipment that were formerly included in round 2021 of the DMEPOS competitive bidding 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 “DMEPOS Relief Act
5 of 2023” or the “DRA of 2023”.

1 **SEC. 2. ADJUSTMENTS TO MEDICARE PAYMENT FOR ITEMS**
2 **OF DURABLE MEDICAL EQUIPMENT FOR-**
3 **MERLY INCLUDED IN ROUND 2021 OF THE**
4 **DMEPOS COMPETITIVE BIDDING PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services shall implement section 414.210 of title
7 42, Code of Federal Regulations, such that the fee sched-
8 ule amounts determined pursuant to such section for cov-
9 ered items furnished during the period beginning on Janu-
10 ary 1, 2024, and ending on December 31, 2024, shall be
11 applied as if the transition rules under paragraph (g)(9)
12 of such section provided that for such covered items so
13 furnished, the fee schedule amount for the area involved
14 is equal to 90 percent of the adjusted payment amount
15 established under such section and 10 percent of the
16 unadjusted fee schedule amount established under such
17 section.

18 (b) COVERED ITEM DEFINED.—For purposes of sub-
19 section (a), the term “covered item” means any item—

20 (1) that were competed under the Round 2021
21 DMEPOS Competitive Bidding Program;

22 (2) for which contracts were not executed for
23 such round of bidding; and

24 (3) which did not, as of January 1, 2021, revert
25 to the unadjusted fee schedule amount established

1 under section 414.210 of title 42, Code of Federal
2 Regulations.

3 **SEC. 3. PAYMENT RATES FOR DURABLE MEDICAL EQUIP-**
4 **MENT IN DMEPOS NON-COMPETATIVE BID-**
5 **DING AREAS UNDER THE MEDICARE PRO-**
6 **GRAM.**

7 (a) AREAS OTHER THAN RURAL AND NONCONTIG-
8 UOUS AREAS.—The Secretary shall implement section
9 414.210(g)(9)(v) of title 42, Code of Federal Regulations
10 (or any successor regulation), to apply the transition rule
11 described in the first sentence of such section to all appli-
12 cable items and services furnished in areas other than
13 rural or noncontiguous areas (as such terms are defined
14 for purposes of such section) through December 31, 2024.

15 (b) ALL AREAS.—The Secretary shall not implement
16 section 414.210(g)(9)(vi) of title 42, Code of Federal Reg-
17 ulations (or any successor regulation) until January 1,
18 2025.

19 (c) IMPLEMENTATION.—Notwithstanding any other
20 provision of law, the Secretary may implement the provi-
21 sions of this section by program instruction or otherwise.

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