

114TH CONGRESS  
2D SESSION

# H. R. 6139

To amend title XVIII of the Social Security Act to provide Medicare entitlement to immunosuppressive drugs for kidney transplant recipients.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2016

Mr. BURGESS (for himself, Mr. KIND, Mr. HARPER, Mr. MEEHAN, Ms. HERRERA BEUTLER, Mr. COOPER, Mr. GRIFFITH, and Mr. McDERMOTT) 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

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## A BILL

To amend title XVIII of the Social Security Act to provide Medicare entitlement to immunosuppressive drugs for kidney transplant recipients.

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 “Comprehensive Im-  
5 munosuppressive Drug Coverage for Kidney Transplant  
6 Patients Act of 2016”.

1 **SEC. 2. MEDICARE ENTITLEMENT TO IMMUNO-**  
2 **SUPPRESSIVE DRUGS FOR KIDNEY TRANS-**  
3 **PLANT RECIPIENTS.**

4 (a) KIDNEY TRANSPLANT RECIPIENTS.—Section  
5 226A(b)(2) of the Social Security Act (42 U.S.C. 426–  
6 1(b)(2)) is amended by inserting “(except for eligibility for  
7 enrollment under part B solely for purposes of coverage  
8 of immunosuppressive drugs described in section  
9 1861(s)(2)(J))” before “, with the thirty-sixth month”.

10 (b) INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF  
11 IMMUNOSUPPRESSIVE DRUGS.—

12 (1) IN GENERAL.—Section 1836 of the Social  
13 Security Act (42 U.S.C. 1395o) is amended—

14 (A) by striking “Every” and inserting “(a)  
15 IN GENERAL.—Every”; and

16 (B) by inserting at the end the following  
17 new subsection:

18 “(b) INDIVIDUALS ELIGIBLE FOR IMMUNO-  
19 SUPPRESSIVE DRUG COVERAGE.—Beginning on January  
20 1, 2017, every individual whose insurance benefits under  
21 part A has ended (whether before, on, or after such date)  
22 by reason of section 226A(b)(2) is eligible for enrollment  
23 in the insurance program established by this part solely  
24 for purposes of coverage of immunosuppressive drugs.”.

25 (2) CONFORMING AMENDMENT.—Sections  
26 1837, 1838, and 1839 of the Social Security Act (42

1 U.S.C. 1395(o), 42 U.S.C. 1395(p), 42 U.S.C.  
2 1395(q)) are each amended by striking “1836” and  
3 inserting “1836(a)” each place it appears.

4 (c) ENROLLMENT FOR INDIVIDUALS ONLY ELIGIBLE  
5 FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Sec-  
6 tion 1837 of the Social Security Act (42 U.S.C. 1395(p))  
7 is amended by adding at the end the following new sub-  
8 section:

9 “(m)(1) Any individual who is eligible under section  
10 1836(b) to enroll in the medical insurance program estab-  
11 lished under this part for purposes of coverage of immuno-  
12 suppressive drugs may enroll only in such manner and  
13 form as may be prescribed by regulations, and only during  
14 an enrollment period described in this subsection.

15 “(2) An individual described in paragraph (1) may  
16 enroll beginning on the first day of the third month before  
17 the month in which the individual first satisfies section  
18 1836(b).

19 “(3) An individual described in paragraph (1) whose  
20 entitlement for hospital insurance benefits under part A  
21 ends by reason of section 226A(b)(2) on or after January  
22 1, 2017, shall be deemed to have enrolled in the medical  
23 insurance program established by this part for purposes  
24 of coverage of immunosuppressive drugs.”.

1 (d) COVERAGE PERIOD FOR INDIVIDUALS ONLY ELI-  
2 GIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE  
3 DRUGS.—

4 (1) IN GENERAL.—Section 1838 of the Social  
5 Security Act (42 U.S.C. 1395(q)) is amended by  
6 adding at the end the following new subsection:

7 “(g) In the case of an individual described in section  
8 1836(b), the following rules shall apply:

9 “(1) In the case of such an individual who is  
10 deemed to have enrolled in part B for coverage of  
11 immunosuppressive drugs under section 1837(m)(3),  
12 such individual’s coverage period shall begin on the  
13 first day of the month in which the individual first  
14 satisfies section 1836(b).

15 “(2) In the case of such an individual who en-  
16 rolls in part B for coverage of immunosuppressive  
17 drugs under section 1837(m)(2), such individual’s  
18 coverage period shall begin on the first day of the  
19 month in which the individual first satisfies section  
20 1836(b) or the month following the month in which  
21 the individual so enrolls, whichever is later.

22 “(3) The provisions of subsections (b) and (d)  
23 shall apply with respect to an individual described in  
24 paragraph (1) or (2).

1           “(4) In addition to the reasons for termination  
2           under subsection (b), the coverage period of an indi-  
3           vidual described in paragraph (1) or (2) shall end  
4           when the individual becomes entitled to benefits  
5           under this title under section 226(a), 226(b), or  
6           226A.”.

7           (2) CONFORMING AMENDMENTS.—Section  
8           1838(b) is amended in the matter following para-  
9           graph (2) by adding “or section 1837(m)(3)” after  
10          “section 1837(f)” each place it appears.

11          (e) PREMIUMS FOR INDIVIDUALS ONLY ELIGIBLE  
12          FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Sec-  
13          tion 1839 of the Social Security Act (42 U.S.C. 1395r)  
14          is amended—

15               (1) in subsection (b), by adding at the end the  
16               following new sentence: “No increase in the pre-  
17               mium shall be effected for individuals who are en-  
18               rolled pursuant to section 1836(b) for coverage only  
19               of immunosuppressive drugs.”; and

20               (2) by adding at the end the following new sub-  
21               section:

22               “(j) DETERMINATION OF PREMIUM FOR INDIVID-  
23               UALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNO-  
24               SUPPRESSIVE DRUGS.—The Secretary shall, during Sep-  
25               tember of each year, determine and promulgate a monthly

1 premium rate for the succeeding calendar year for individ-  
2 uals who enroll only for the purpose of coverage of im-  
3 munosuppressive drugs under section 1836(b). Such pre-  
4 mium shall be equal to 35 percent of the monthly actuarial  
5 rate for enrollees age 65 and over, determined according  
6 to paragraph (1), for that succeeding calendar year. The  
7 monthly premium of each individual enrolled for coverage  
8 of immunosuppressive drugs under section 1836(b) for  
9 each month shall be the amount promulgated in this sub-  
10 section. Such amount shall be adjusted in accordance with  
11 subsections (c) and (f).”.

12 (f) GOVERNMENT CONTRIBUTION.—Section 1844(a)  
13 of the Social Security Act (42 U.S.C. 1395(w)) is amend-  
14 ed—

15 (1) in paragraph (3), by striking the period at  
16 the end and inserting “; plus”;

17 (2) by adding after paragraph (3) the following  
18 new paragraph:

19 “(4) a Government contribution equal to the es-  
20 timated aggregate reduction in premiums payable  
21 under part B that results from establishing the pre-  
22 mium at 35 percent of the actuarial rate under sec-  
23 tion 1839(j) instead of 50 percent of the actuarial  
24 rate for individuals who enroll only for the purpose

1 of coverage of immunosuppressive drugs under sec-  
2 tion 1836(b).”; and

3 (3) by adding at the end the following flush  
4 matter:

5 “The Government contribution under paragraph (4)  
6 shall be treated as premiums payable and deposited  
7 for purposes of subparagraphs (A) and (B) of para-  
8 graph (1).”.

9 (g) EXTENSION OF SECONDARY PAYER REQUIRE-  
10 MENTS FOR ESRD BENEFICIARIES ELIGIBLE FOR COV-  
11 ERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section  
12 1862(b)(1)(C) (42 U.S.C. 1395(y)(b)(1)) is amended by  
13 adding at the end the following new sentence: “With re-  
14 gard to immunosuppressive drugs furnished to an indi-  
15 vidual who enrolls for the purpose of coverage of immuno-  
16 suppressive drugs under section 1836(b) on or after Janu-  
17 ary 1, 2017, this subparagraph shall apply without regard  
18 to any time limitation, except that when such individual  
19 becomes entitled to benefits under this title under sections  
20 226(a) or 226(b), or entitled to or eligible for benefits  
21 under this title under section 226A, the provisions of sub-  
22 paragraphs (A) and (B), and the time limitations under  
23 this subparagraph, respectively, shall apply.”.

24 (h) ENSURING COVERAGE UNDER THE MEDICARE  
25 SAVINGS PROGRAM.—Section 1905(p)(1)(A) of the Social

1 Security Act (42 U.S.C. 1396d(p)(1)(A)) is amended by  
2 inserting “or an individual who is enrolled under part B  
3 for the purpose of coverage of immunosuppressive drugs  
4 under section 1836(b)” after “section 1818”.

5 (i) PART D.—Section 1860D–1(a)(3)(A) of the So-  
6 cial Security Act (42 U.S.C. 1395w–101(a)(3)(A)) is  
7 amended by inserting “(but not including an individual en-  
8 rolled solely for coverage of immunosuppressive drugs  
9 under section 1836(b))” before the period at the end.

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