

116TH CONGRESS
2D SESSION

H. R. 6640

To amend title XVIII of the Social Security Act to provide coverage for COVID–19 at no cost sharing under the medicare advantage program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2020

Ms. MUCARSEL-POWELL (for herself and Mr. KIND) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 provide coverage for COVID–19 at no cost sharing under the medicare advantage program, 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 “Medicare Advantage
5 COVID Treatment Act”.

1 **SEC. 2. COVERAGE OF TREATMENTS FOR COVID-19 AT NO**
2 **COST SHARING UNDER THE MEDICARE AD-**
3 **VANTAGE PROGRAM.**

4 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
5 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
6 amended by adding at the end the following new clause:

7 “(vii) SPECIAL COVERAGE RULES FOR
8 SPECIFIED COVID-19 TREATMENT SERV-
9 ICES.—

10 “(I) IN GENERAL.—Notwith-
11 standing clause (i), in the case of a
12 specified COVID-19 treatment service
13 that is furnished during a plan year
14 occurring during any portion of the
15 emergency period defined in section
16 1135(g)(1)(B) beginning on or after
17 the date of the enactment of this
18 clause, a Medicare Advantage plan
19 may not, with respect to such service,
20 impose—

21 “(aa) any cost-sharing re-
22 quirement (including a deduct-
23 ible, copayment, or coinsurance
24 requirement); and

25 “(bb) in the case such serv-
26 ice is a critical specified COVID-

1 19 treatment service (including
2 ventilator services and intensive
3 care unit services), any prior au-
4 thorization or other utilization
5 management requirement.

6 A Medicare Advantage plan may not
7 take the application of this clause into
8 account for purposes of a bid amount
9 submitted by such plan under section
10 1854(a)(6).

11 “(II) SPECIFIED COVID-19
12 TREATMENT SERVICE DEFINED.—For
13 purposes of this clause, the term
14 ‘specified COVID-19 treatment serv-
15 ice’ means any item or service fur-
16 nished to an individual for which pay-
17 ment may be made under part A or
18 part B of title XVIII of the Social Se-
19 curity Act if such item or service is
20 included in a claim with an ICD–10–
21 CM code relating to COVID-19 (as
22 described in the document entitled
23 ‘ICD–10–CM Official Coding Guide-
24 lines—Supplement Coding encounters
25 related to COVID-19 Coronavirus

1 Outbreak’ published on February 20,
2 2020, or as otherwise specified by the
3 Secretary).”.

4 (b) REIMBURSEMENT OF MEDICARE ADVANTAGE
5 PLANS FOR ELIMINATION OF COST SHARING.—Section
6 1853 of the Social Security Act (42 U.S.C. 1395w–23)
7 is amended by adding at the end the following new sub-
8 section:

9 “(p) ADDITIONAL PAYMENT TO ACCOUNT FOR COST
10 SHARING ELIMINATION FOR COVID-19 TREATMENT
11 SERVICES.—

12 “(1) IN GENERAL.—A Medicare Advantage plan
13 shall notify the Secretary of the total dollar amount
14 of cost sharing that, but for the application of sec-
15 tion 1852(a)(1)(B)(vii), would have been required
16 under such plan for specified COVID-19 treatment
17 services (as defined in subclause (II) of such section)
18 furnished during a plan year described in such sec-
19 tion to individuals enrolled in the plan. The Sec-
20 retary shall make periodic and timely payments in
21 accordance with this subsection to such plan that, in
22 the aggregate, equal such total dollar amount.

23 “(2) TIMING OF PAYMENT.—Payments by the
24 Secretary under this subsection shall be made begin-
25 ning March 1, 2021, for amounts described in such

1 paragraph that would have been required under such
2 plan for specified COVID-19 treatment services fur-
3 nished during plan year 2020. Payments by the Sec-
4 retary under this subsection for such amounts that
5 would have been so required under such plan for
6 such services furnished during a plan year subse-
7 quent to plan year 2020 shall be made beginning
8 March 1 of the plan year following such subsequent
9 plan year.

10 “(3) NON-APPLICATION.—Section 1853(c)(7)
11 shall not apply with respect to the application of this
12 subsection.

13 “(4) APPROPRIATION.—There are transferred
14 to the Centers for Medicare & Medicaid Program
15 Management Fund, out of any monies in the Treas-
16 ury not otherwise obligated, such sums as may be
17 necessary to the Secretary for purposes of making
18 payments under this subsection.”.

19 (c) IMPLEMENTATION.—Notwithstanding any other
20 provision of law, the Secretary of Health and Human
21 Services may implement the amendments made by this
22 section by program instruction or otherwise.

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