

118TH CONGRESS
2D SESSION

H. R. 8075

To amend title XVIII of the Social Security Act to provide for Medicare coverage of staff-assisted home dialysis for certain hemodialysis and peritoneal dialysis patients and to ensure all patients are educated on modality options and receive the resources, information, and support to succeed on the modality of their choice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2024

Mrs. MILLER of West Virginia (for herself, Mrs. MILLER-MEEKS, Ms. STRICKLAND, and Mr. BLUMENAUER) 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 provide for Medicare coverage of staff-assisted home dialysis for certain hemodialysis and peritoneal dialysis patients and to ensure all patients are educated on modality options and receive the resources, information, and support to succeed on the modality of their choice, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Access to
3 Home Dialysis Act of 2024”.

4 **SEC. 2. PROVIDING FOR STAFF-ASSISTED HOME DIALYSIS**
5 **FOR CERTAIN HEMODIALYSIS AND PERI-**
6 **TONEAL DIALYSIS PATIENTS.**

7 (a) IN GENERAL.—Section 1881(b)(14) of the Social
8 Security Act (42 U.S.C. 1395rr(b)(14)) is amended by
9 adding at the end the following new subparagraph:

10 “(J)(i) With respect to staff-assisted home
11 dialysis (as defined in clause (iv)(IV)) furnished
12 on or after the date that is 1 year after the
13 date of the enactment of this subparagraph,
14 subject to the succeeding provisions of this sub-
15 paragraph, the Secretary shall increase the sin-
16 gle payment that would otherwise apply under
17 this paragraph for renal dialysis services by the
18 add-on payment amount established pursuant
19 to clause (iii).

20 “(ii)(I) Subject to subclause (II), staff-as-
21 sisted home dialysis may only be furnished—

22 “(aa) with respect to an initializing
23 patient (as defined in clause (iv)(I)) or a
24 returning patient (as defined in clause
25 (iv)(III)), for a period of up to 90 days, re-
26 ferred to as the ‘initial period’, which may

1 be extended as determined necessary by
2 the care team of the individual in not more
3 than 2 intervals of up to 30 days each,
4 each of which is referred to as an ‘ex-
5 tended interval’; and

6 “(bb) with respect to a temporary as-
7 sistance patient (as defined in clause
8 (iv)(V)), for any 30-day period as deter-
9 mined necessary by the care team of the
10 individual, notwithstanding whether such
11 an individual receives any routine dialysis
12 respite care during such period.

13 “(II) Notwithstanding subclause (I), staff-
14 assisted home dialysis may be furnished for as
15 long as the Secretary determines appropriate to
16 an individual who—

17 “(aa) is blind;

18 “(bb) has a cognitive or neurological
19 impairment (including a stroke, Alz-
20 heimer’s, dementia, amyotrophic lateral
21 sclerosis, or any other impairment deter-
22 mined by the Secretary); or

23 “(cc) has any other illness or injury
24 that reduces mobility (including cerebral
25 palsy, spinal cord injuries, patients on a

1 ventilator, or any other illness or injury de-
2 termined by the Secretary).

3 “(iii) The Secretary shall, by regulation,
4 establish an add-on payment amount for staff-
5 assisted home dialysis to determine the
6 amounts payable to a qualified provider for as-
7 sisting in the furnishing of staff-assisted home
8 dialysis on a frequency as determined by the
9 Secretary and in consultation with clinicians,
10 patients, and care partners to ensure maximum
11 patient choice, access, and flexibility. In estab-
12 lishing the add-on payment under this clause,
13 the Secretary shall consult with stakeholders,
14 including providers of renal dialysis services, in-
15 dividuals receiving home dialysis, qualified pro-
16 viders (as defined in clause (iv)(II)), private in-
17 surance payers, and Medicare Advantage plans
18 under part C.

19 “(iv) In this subparagraph:

20 “(I) The term ‘initializing patient’
21 means an individual who initiates a home
22 dialysis modality, including home hemo-
23 dialysis and peritoneal dialysis.

24 “(II) The term ‘qualified provider’
25 means a trained professional (as deter-

1 mined by the Secretary, including a reg-
2 istered or licensed practical nurse and a
3 certified patient care technician) who—

4 “(aa) furnishes renal dialysis
5 services;

6 “(bb) meets requirements (as de-
7 termined by the Secretary) that en-
8 sure competency in patient care and
9 modality usage; and

10 “(cc) during a period described
11 in clause (ii)(I), provides in-person as-
12 sistance to an individual for an appro-
13 priate number of dialysis sessions, as
14 determined by the care team of the in-
15 dividual based on the needs of the in-
16 dividual, caregiver availability, pre-
17 scription, and mode of home dialysis.

18 “(III) The term ‘returning patient’
19 means an individual who is returning to
20 home dialysis after a period of hospitaliza-
21 tion or other non-home dialysis modality.

22 “(IV)(aa) The term ‘staff-assisted
23 home dialysis’ means dialysis furnished by
24 the individual in a home, residence, or
25 other approved setting with the assistance

1 of a qualified provider, the frequency of
2 which is determined by the qualified pro-
3 vider in coordination with the individual,
4 the care partner, and the care team of the
5 individual and outlined in a patient plan of
6 care.

7 “(bb) In this subclause, the term ‘care
8 partner’ means a friend or family member
9 who is designated by the individual who is
10 trained to assist the individual with the
11 furnishing of home dialysis.

12 “(cc) In this subclause, the term ‘pa-
13 tient plan of care’ has the meaning given
14 such term in section 494.90 of title 42,
15 Code of Federal Regulations (or any suc-
16 cessor regulations).

17 “(V) The term ‘temporary assistance
18 patient’ means an individual who is receiv-
19 ing home dialysis and is temporarily un-
20 able to perform functions necessary to
21 home dialysis due to illness, injury, care-
22 giver unavailability, or other temporary cir-
23 cumstances not to exceed 30 days.”.

24 (b) PATIENT EDUCATION AND TRAINING RELATING
25 TO STAFF-ASSISTED HOME DIALYSIS.—

1 (1) IN GENERAL.—Section 1881(b)(5) of the
2 Social Security Act (42 U.S.C. 1395rr(b)(5)) is
3 amended—

4 (A) in subparagraph (C), by striking at the
5 end “and”;

6 (B) in subparagraph (D), by striking the
7 period at the end and inserting a semicolon;
8 and

9 (C) by adding at the end the following new
10 subparagraphs:

11 “(E) educate individuals on the oppor-
12 tunity to receive staff-assisted home dialysis (as
13 defined in paragraph (14)(J)(iv)(IV)) during
14 the periods described in paragraph (14)(J)(ii);
15 and

16 “(F) provide for registered or licensed
17 nurses, certified patient care technicians, or
18 other qualified providers (as determined by a
19 physician) to train individuals and their care
20 partners in skills and procedures needed to fur-
21 nish staff-assisted home dialysis, including—

22 “(i) in a group-training environment
23 with other individuals and their care part-
24 ners when appropriate and in accordance
25 with the Federal regulations (concerning

1 the privacy of individually identifiable
2 health information) promulgated under
3 section 264(c) of the Health Insurance
4 Portability and Accountability Act of 1996;

5 “(ii) via telehealth (following an initial
6 period of in-person competency training, in
7 accordance with standards specified by the
8 Secretary);

9 “(iii) through interdisciplinary team
10 training (as described in the interpretive
11 guidance relating to tag number V590 of
12 ‘Advance Copy—End Stage Renal Disease
13 (ESRD) Program Interpretive Guidance
14 Version 1.1’ (published on October 3,
15 2008)); and

16 “(iv) in the home or residence of an
17 individual, in a dialysis facility, in a stand-
18 alone training facility, or the place in
19 which the individual has been approved to
20 perform home dialysis by the care team.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by this subsection shall take effect on the date that
23 is one year after the date of the enactment of this
24 Act.

25 (c) OTHER PROVISIONS.—

1 (1) ANTI-KICKBACK STATUTE.—Section
2 1128B(b)(3) of the Social Security Act (42 U.S.C.
3 1320a-7b(b)(3)) is amended—

4 (A) by moving subparagraphs (J) and (K)
5 2 ems to the left;

6 (B) in subparagraph (K), by striking
7 “and” at the end;

8 (C) in subparagraph (L), by striking the
9 period at the end and inserting “; and”; and

10 (D) by adding at the end the following new
11 subparagraph:

12 “(M) any remuneration relating to the fur-
13 nishing of staff-assisted home dialysis (as defined in
14 section 1881(b)(14)(J)(iv)(IV)).”.

15 (2) STUDY.—Not later than 2 years after the
16 date of the enactment of this Act, the Secretary of
17 Health and Human Services (in this section referred
18 to as the “Secretary”) shall submit, to the Com-
19 mittee on Finance of the Senate and the Committees
20 on Energy and Commerce and Ways and Means of
21 the House of Representatives, a report that—

22 (A) examines racial disparities in the utili-
23 zation of home dialysis (as defined in section
24 1881(b)(14)(J)(iv)(IV) of the Social Security
25 Act (42 U.S.C. 1395rr(b)(14)(J)(iv)(IV)), as

1 added by subsection (a)), and makes rec-
2 ommendations on how to improve access to
3 home dialysis for communities of color;

4 (B) examines coverage for, and utilization
5 of, home dialysis in rural communities, and
6 makes recommendations on how to improve ac-
7 cess to home dialysis for such rural commu-
8 nities; and

9 (C) analyzes clinical and quality of life out-
10 comes for patients, disaggregated by geographic
11 and demographic indicators, who receive dif-
12 ferent dialysis modalities, including staff-as-
13 sisted home dialysis, unassisted home dialysis,
14 and dialysis furnished in a facility.

15 (3) PATIENT DECISION TOOL.—Not later than
16 December 31, 2025, for the purposes of section
17 1881(b)(14)(J)) of the Social Security Act (42
18 U.S.C. 1395rr(b)(14)(J)), as added by subsection
19 (a), the Secretary shall convene a patient panel to
20 develop a patient-centered decision tool to assist di-
21 alysis patients in evaluating their lifestyle and goals
22 and in choosing the dialysis setting and modality.
23 Such tool shall include an acknowledgment that the
24 patient is capable of home dialysis and wants home
25 dialysis, if that is the modality such patient chooses.

1 (4) PATIENT QUALITY OF LIFE METRIC.—Sec-
2 tion 1881(h)(2)(A)(iv) of the Social Security Act (42
3 U.S.C. 1395rr(h)(2)(A)(iv)) is amended—

4 (A) in subclause (II), by striking “and” at
5 the end;

6 (B) in subclause (III), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding at the end the following new
9 subclause:

10 “(IV) patient quality of life for
11 all individuals utilizing dialysis re-
12 gardless of modality, with the intent
13 of measuring and improving patient
14 quality of life on dialysis.”.

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