

118TH CONGRESS
2D SESSION

H. R. 9778

To amend title XVIII of the Social Security Act to include penicillin allergy verification and evaluation as part of the initial preventive physical examination under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2024

Mr. BUCSHON (for himself, Mr. BERA, Mr. GRIFFITH, Mr. PETERS, Mr. MURPHY, Ms. SCHRIER, Mr. KELLY of Pennsylvania, Ms. DELBENE, Mrs. MILLER-MEEKS, and Ms. UNDERWOOD) 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 include penicillin allergy verification and evaluation as part of the initial preventive physical examination under the Medicare 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 “Penicillin Allergy
5 Verification and Evaluation Act” or the “PAVE Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following:

3 (1) On September 28, 1928, Alexander Flem-
4 ing, a Scottish bacteriologist, discovered penicillin,
5 forever changing healthcare by identifying an effec-
6 tive way to treat a wide range of infections which
7 opened the door for numerous successful medical
8 treatments.

9 (2) Millions of patients believe they are allergic
10 to penicillin, but information cited by the Centers
11 for Disease Control and Prevention and recent med-
12 ical journal articles in the Journal of the American
13 Medical Association and the Journal of Allergy and
14 Clinical Immunology, shows that more than 90 per-
15 cent of patients who have a self-reported penicillin
16 allergy in their electronic medical record can safely
17 take penicillin after verification testing.

18 (3) A 2020 medical research review found, peni-
19 cillin allergy is estimated to affect approximately 10
20 percent of the population, and 15 percent of hos-
21 pitalized patients are labeled with a penicillin al-
22 lergy.

23 (4) Penicillin allergy label is associated with
24 poor patient outcomes including increased hospital
25 length of stay, increased perioperative infections,

1 and overall increased mortality according to the New
2 England Journal of Medicine.

3 (5) A 2018 paper in the Journal of Allergy and
4 Clinical Immunology indicates that penicillin allergy
5 evaluation by any means has been shown to be a
6 cost-saving intervention.

7 (6) Delabeling penicillin allergy is an important
8 component of antibiotic stewardship and is endorsed
9 by many professional organizations and public health
10 bodies, including the American Academy of Allergy,
11 Asthma & Immunology.

12 (7) A 2023 study of adults 65 and older with
13 a penicillin allergy label published in the Annals of
14 Allergy, Asthma & Immunology found that 97 per-
15 cent were disproved after verification testing.

16 **SEC. 3. PENICILLIN ALLERGY VERIFICATION AND EVALUA-**
17 **TION FOR SENIORS.**

18 (a) INITIAL PREVENTIVE PHYSICAL EXAMINA-
19 TION.—Section 1861(ww) of the Social Security Act (42
20 U.S.C. 1395x(ww)) is amended—

21 (1) In paragraph (1)—

22 (A) by inserting “penicillin allergy
23 verification and evaluation (as defined in para-
24 graph (5)),” after “(as defined in paragraph
25 (4)),”; and

1 (2) in paragraph (2)—

2 (A) by redesignating subparagraph (O) as
3 subparagraph (P); and

4 (B) by inserting after subparagraph (N)
5 the following new subparagraph:

6 “(O) Penicillin allergy verification and
7 evaluation.”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(5) For purposes of paragraph (1), the term
11 ‘penicillin allergy verification and evaluation’
12 means—

13 “(A) identification of individuals reporting
14 a history of penicillin allergy;

15 “(B) consideration of whether the reported
16 reaction history is consistent with an allergy or
17 hypersensitivity reaction or can be reevaluated;

18 “(C) the provision of information on the
19 adverse individual and public health impact of
20 a penicillin allergy label; and

21 “(D) a referral to an allergy or immu-
22 nology specialist, as appropriate.”.

23 (b) ANNUAL WELLNESS VISIT.—Section
24 1861(hhh)(2) of the Social Security Act (42 U.S.C.
25 1395x(hhh)(2)) is amended—

1 (1) by redesignating subparagraph (I) as sub-
2 paragraph (J); and

3 (2) by inserting after subparagraph (H) the fol-
4 lowing new subparagraph:

5 “(I) Penicillin allergy verification and eval-
6 uation (as defined in subsection (ww)(5)).”.

7 (c) **RULE OF CONSTRUCTION.**—Nothing in the
8 amendments made by subsection (a) or (b) shall be con-
9 strued to prohibit separate payment for structured peni-
10 cillin allergy validation and evaluation services furnished
11 to an individual on the same day as an initial preventive
12 physical examination or an annual wellness visit.

13 (d) **EFFECTIVE DATE.**—The amendments made by
14 this section shall apply to examinations and visits fur-
15 nished on or after January 1, 2025.

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