

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5396
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Coverage Determina-
3 tion Clarity Act of 2023”.

**4 SEC. 2. IMPROVING ACCESS TO ITEMS AND SERVICES
5 UNDER MEDICARE LOCAL COVERAGE DETER-
6 MINATIONS.**

7 Section 1862(l)(5) of the Social Security Act (42
8 U.S.C. 1395y(l)(5)) is amended by adding at the end the
9 following new subparagraph:

10 “(E) ENSURING CONSISTENCY WITH AP-
11 PPLICABLE RULES.—The Secretary shall require
12 each Medicare administrative contractor that
13 develops a local coverage determination to en-
14 sure that any such local coverage determination
15 does not conflict with any law, ruling, regula-
16 tion, national coverage determination, payment
17 policy, or coding policy.”.

