

Committee Print

(SHOWING THE TEXT OF H.R. 133, AS FAVORABLY FORWARDED BY THE
SUBCOMMITTEE ON HEALTH ON NOVEMBER 15, 2023)

118TH CONGRESS
1ST SESSION

H. R. 133

To amend title XVIII of the Social Security Act to clarify the use of the national coverage determination process under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BUCHANAN (for himself, Ms. BARRAGÁN, and Ms. SALAZAR) 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 clarify the use of the national coverage determination process 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 “Mandating Exclusive
5 Review of Individual Treatments (MERIT) Act”.

1 **SEC. 2. CLARIFICATION ON MEDICARE NATIONAL COV-**
2 **ERAGE DETERMINATION PROCESS.**

3 Section 1862(a) of the Social Security Act (42 U.S.C.
4 1395y(a)) is amended by adding at the end the following
5 new sentence: “For purposes of paragraph (1)(E), in the
6 case of research conducted pursuant to section 1142 and
7 with respect to a determination made on or after the date
8 of the enactment of this sentence of whether a drug or
9 biological is reasonable and necessary to carry out the pur-
10 poses such section, such determination shall be made with
11 respect to each drug or biological involved and not with
12 respect to a class of drugs or biologicals.”.