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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend title XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XI of the Social Security Act to prohibit the use of quality-adjusted life years and similar measures in coverage and payment determinations under Federal health care programs.

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 “Protecting Health Care
5 for All Patients Act of 2023”.

1 **SEC. 2. PROHIBITING THE USE OF QUALITY-ADJUSTED**
2 **LIFE YEARS AND SIMILAR MEASURES IN COV-**
3 **ERAGE AND PAYMENT DETERMINATIONS**
4 **UNDER FEDERAL HEALTH CARE PROGRAMS.**

5 (a) IN GENERAL.—Section 1182(e) of the Social Se-
6 curity Act (42 U.S.C. 1320e–1(e)) is amended—

7 (1) by striking “The Secretary shall not” and
8 inserting “A Federal agency or State may not”;

9 (2) by inserting “, including by using a price
10 developed by any entity or government that is based
11 on such an adjusted life year (or such a similar
12 measure) or using averages or other pricing metrics
13 that directly or indirectly take into account such
14 prices,” after “(or such a similar measure)”; and

15 (3) by striking “under title XVIII.” and insert-
16 ing the following: “under any Federal health care
17 program (as defined in section 1128B, except that
18 such term shall include the health program estab-
19 lished under chapter 89 of title 5, United States
20 Code).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) MEDICAID.—Section 1902(a) of the Social
23 Security Act (42 U.S.C. 1396a(a)) is amended—

24 (A) in paragraph (86), by striking “and”
25 at the end;

1 (B) in paragraph (87)(D), by striking the
2 period and inserting “; and”; and

3 (C) by inserting after paragraph (87) the
4 following new paragraph:

5 “(88) provide for compliance with the require-
6 ments of section 1182(e) (relating to prohibiting the
7 use of certain measures in coverage determinations,
8 reimbursement, and incentive programs).”.

9 (2) CHIP.—Section 2102 of the Social Security
10 Act (42 U.S.C. 1397bb) is amended by adding at
11 the end the following new subsection:

12 “(d) PROHIBITION ON THE USE OF QUALITY-AD-
13 JUSTED LIFE YEARS AND SIMILAR MEASURES.—A State
14 child health plan shall provide for compliance with the re-
15 quirements of section 1182(e) (relating to prohibiting the
16 use of certain measures in coverage determinations, reim-
17 bursement, and incentive programs).”.