

118TH CONGRESS  
1ST SESSION

# H. R. 4104

To amend title XVIII of the Social Security Act to clarify congressional intent and preserve patient access to home infusion therapy under the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2023

Mr. BUCHANAN (for himself, Mrs. DINGELL, Mrs. HARSHBARGER, and Ms. SEWELL) 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

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## A BILL

To amend title XVIII of the Social Security Act to clarify congressional intent and preserve patient access to home infusion therapy under the Medicare program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Patient Ac-  
5 cess to Home Infusion Act”.

1 **SEC. 2. PRESERVATION OF PATIENT ACCESS TO HOME IN-**  
2 **FUSION THERAPY UNDER MEDICARE PRO-**  
3 **GRAM.**

4 (a) INCLUSION OF PHARMACY SERVICES.—Section  
5 1861(iii)(2) of the Social Security Act (42 U.S.C.  
6 1395x(iii)(2)) is amended—

7 (1) in subparagraph (A), by inserting “and  
8 pharmacy services” after “nursing services”; and

9 (2) in subparagraph (B), by inserting “, assess-  
10 ments, drug preparation and compounding, coordi-  
11 nation and documentation of infusion therapy serv-  
12 ices in the plan of care” after “subsection (n)”.

13 (b) PAYMENT.—Section 1834(u)(1)(A) of the Social  
14 Security Act (42 U.S.C. 1395m(u)(1)(A)) is amended—

15 (1) in clause (i), by striking “clause (iii)” and  
16 inserting “clauses (iii) and (iv)”;

17 (2) in clause (ii) by inserting after the first sen-  
18 tence the following new sentence: “For purposes of  
19 the previous sentence, a reference to payment to a  
20 qualified home infusion therapy supplier for an infu-  
21 sion drug administration calendar day in the home  
22 of such individual shall refer to payment for each  
23 day on which such a drug was administered to the  
24 individual (regardless of whether a qualified home  
25 infusion therapy supplier was physically present in  
26 the home of such individual on such date).”; and

1           (3) by adding at the end the following new  
2       clause:

3                           “(iv) SPECIAL RULE WHEN A QUALI-  
4                           FIED HOME INFUSION THERAPY SUPPLIER  
5                           NOT PHYSICALLY PRESENT IN THE INDI-  
6                           VIDUAL’S HOME.—In the case where a  
7                           qualified home infusion therapy supplier is  
8                           not physically present in the individual’s  
9                           home on the day the home infusion drug is  
10                          administered to the individual, the single  
11                          payment amount under this subsection for  
12                          items and services described in clause (i)  
13                          furnished on such day to such individual  
14                          shall be an amount equal to 50 percent of  
15                          the amount that would have applied under  
16                          this subsection for such items and services  
17                          if such a supplier had been physically  
18                          present.”.

19           (c) PERMITTING NURSE PRACTITIONERS AND PHYSI-  
20       CIAN ASSISTANTS TO ESTABLISH AND REVIEW A HOME  
21       INFUSION PLAN OF CARE.—Section 1861(iii)(1)(B) of the  
22       Social Security Act (42 U.S.C. 1395x(iii)(1)(B)) is  
23       amended by striking “physician (as defined in subsection  
24       (r)(1)) and is periodically reviewed by a physician” and  
25       inserting “physician (as defined in subsection (r)(1)) or

1 a nurse practitioner or physician assistant (as those terms  
2 are defined in subsection (aa)(5)) and is periodically re-  
3 viewed by a physician, nurse practitioner, or physician as-  
4 sistant”.

5 (d) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to items and services  
7 furnished on or after January 1, 2024.

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