AMENDMENT TO COMMITTEE PRINT OF H.R. 485

OFFERED BY M_.

Strike section 2 and insert the following:

SEC. 2. PROHIBITING THE USE OF QUALITY-ADJUSTED LIFE YEARS AND SIMILAR MEASURES IN COVERAGE AND PAYMENT DETERMINATIONS UNDER FEDERAL HEALTH CARE PROGRAMS.

(a) In General.—Section 1182(e) of the Social Security Act (42 U.S.C. 1320e–1(e)) is amended—

(1) by inserting “or treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, non-disabled, or not terminally ill” after “because of an individual’s disability”;

(2) by inserting “described in the preceding sentence” after “such a similar measure”;

(3) by striking “The Secretary shall not” and inserting “A Federal agency (including the CMI (as described in section 1115A)) or State may not”;

(4) by striking “under title XVIII.” and inserting the following: “under any Federal health care program (as defined in section 1128B, except that such term shall include the health program estab-
lished under chapter 89 of title 5, United States Code).’; and

(5) by adding at the end the following new sentence: “Notwithstanding any other provision of law, a Federal agency (including the CMI) or State may not waive the application of the provisions of this subsection (or the provisions of section 1852(o), section 1860D–12(h), section 1902(a)(88), section 1932(b)(9), or section 2102(e)) under section 1115, section 1115A, or any other demonstration or waiver authority.’.

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID.—

(A) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(i) in paragraph (86), by striking “and” at the end;

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

(iii) by inserting after paragraph (87)

the following new paragraph:

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

(B) MANAGED CARE ORGANIZATIONS.—

Section 1932(b) of the Social Security Act (42 U.S.C. 1396u–2(b)) is amended by adding at the end the following new paragraph:

“(9) PROHIBITION ON USE OF QUALITY-ADJUSTED LIFE YEARS.—The provisions of section 1182(e) shall apply to the utilization of a dollars-per-quality adjusted life year or similar measure (as described in such section) by a medicaid managed care organization under this title (or a prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation), under a contract with the State) in the same manner as such provisions apply to the utilization of such a year or measure by a State under this title.”.

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

“(e) PROHIBITION ON THE USE OF QUALITY-ADJUSTED LIFE YEARS AND SIMILAR MEASURES.—A State child health plan shall provide for compliance with the requirements of section 1182(e) (relating to prohibiting the
use of certain measures in coverage determinations, reimbursement, and incentive programs).”.

(3) **MEDICARE ADVANTAGE.**—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

“**(o) PROHIBITION ON USE OF QUALITY-ADJUSTED LIFE YEARS.**—The provisions of section 1182(e) shall apply to the utilization of a dollars-per-quality adjusted life year or similar measure (as described in such section) by an MA plan in the same manner as such provisions apply to the utilization of such a year or measure by the Secretary under this title.”.

(4) **MEDICARE PART D.**—Section 1860D–12 of the Social Security Act (42 U.S.C. 1395w–112) is amended by adding at the end the following new subsection:

“**(h) PROHIBITION ON USE OF QUALITY-ADJUSTED LIFE YEARS.**—The provisions of section 1182(e) shall apply to the utilization of a dollars-per-quality adjusted life year or similar measure (as described in such section) by a prescription drug plan in the same manner as such provisions apply to the utilization of such a year or measure by the Secretary under this title.”.
(c) IMPLEMENTATION.—The amendments made by this section shall apply beginning on January 1, 2025.