

**AMENDMENT TO COMMITTEE PRINT OF H.R. 485**

**OFFERED BY M**\_\_ . \_\_\_\_\_

Strike section 2 and insert the following:

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

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

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

17 (4) by striking “under title XVIII.” and insert-  
18 ing the following: “under any Federal health care  
19 program (as defined in section 1128B, except that  
20 such term shall include the health program estab-

1 lished under chapter 89 of title 5, United States  
2 Code).”; and

3 (5) by adding at the end the following new sen-  
4 tence: “Notwithstanding any other provision of law,  
5 a Federal agency (including the CMI) or State may  
6 not waive the application of the provisions of this  
7 subsection (or the provisions of section 1852(o), sec-  
8 tion 1860D–12(h), section 1902(a)(88), section  
9 1932(b)(9), or section 2102(e)) under section 1115,  
10 section 1115A, or any other demonstration or waiver  
11 authority.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) MEDICAID.—

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

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

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

21 (iii) by inserting after paragraph (87)  
22 the following new paragraph:

23 “(88) provide for compliance with the require-  
24 ments of section 1182(e) (relating to prohibiting the

1 use of certain measures in coverage determinations,  
2 reimbursement, and incentive programs).”.

3 (B) MANAGED CARE ORGANIZATIONS.—

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

7 “(9) PROHIBITION ON USE OF QUALITY-AD-  
8 JUSTED LIFE YEARS.—The provisions of section  
9 1182(e) shall apply to the utilization of a dollars-  
10 per-quality adjusted life year or similar measure (as  
11 described in such section) by a medicaid managed  
12 care organization under this title (or a prepaid inpa-  
13 tient health plan or prepaid ambulatory health plan,  
14 as defined in section 438.2 of title 42, Code of Fed-  
15 eral Regulations (or any successor regulation), under  
16 a contract with the State) in the same manner as  
17 such provisions apply to the utilization of such a  
18 year or measure by a State under this title.”.

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

22 “(e) PROHIBITION ON THE USE OF QUALITY-AD-  
23 JUSTED LIFE YEARS AND SIMILAR MEASURES.—A State  
24 child health plan shall provide for compliance with the re-  
25 quirements of section 1182(e) (relating to prohibiting the

1 use of certain measures in coverage determinations, reim-  
2 bursement, and incentive programs).”.

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

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

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

18 “(h) PROHIBITION ON USE OF QUALITY-ADJUSTED  
19 LIFE YEARS.—The provisions of section 1182(e) shall  
20 apply to the utilization of a dollars-per-quality adjusted  
21 life year or similar measure (as described in such section)  
22 by a prescription drug plan in the same manner as such  
23 provisions apply to the utilization of such a year or meas-  
24 ure by the Secretary under this title.”.

1 (c) IMPLEMENTATION.—The amendments made by  
2 this section shall apply beginning on January 1, 2025.

