

## Committee Print

(SHOWING THE TEXT OF H.R. 485, AS FAVORABLY FORWARDED BY THE  
SUBCOMMITTEE ON HEALTH ON MARCH 8, 2023)

118TH CONGRESS  
1ST SESSION

# H. R. 485

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.

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2023

Mrs. RODGERS of Washington (for herself, Mr. SMITH of Missouri, Mr. WENSTRUP, and Mr. BURGESS) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Health Care  
3 for All Patients Act of 2023”.

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

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

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

13 (2) by striking “under title XVIII.” and insert-  
14 ing the following: “under any Federal health care  
15 program (as defined in section 1128B, except that  
16 such term shall include the health program estab-  
17 lished under chapter 89 of title 5, United States  
18 Code), or in a manner that treats extending the life  
19 of an elderly, disabled, or terminally ill individual as  
20 of lower value than extending the life of an indi-  
21 vidual who is younger, non-disabled, or not termi-  
22 nally ill.”; and

23 (3) by adding at the end the following new sen-  
24 tence: “Notwithstanding any other provision of law,  
25 a Federal agency (including the CMI) or State may  
26 not waive the application of the provisions of this

1 subsection (or the provisions of section 1852(o), sec-  
2 tion 1902(a)(88), section 1932(b)(9), or section  
3 2102(e)) under section 1115, section 1115A, or any  
4 other demonstration or waiver authority.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) MEDICAID.—

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

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

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

14 (iii) by inserting after paragraph (87)  
15 the following new paragraph:

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

20 (B) MANAGED CARE ORGANIZATIONS.—

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

24 “(9) PROHIBITION ON USE OF QUALITY-AD-  
25 JUSTED LIFE YEARS.—The provisions of section

1 1182(e) shall apply to the utilization of a dollars-  
2 per-quality adjusted life year or similar measure (as  
3 described in such section) by a medicaid managed  
4 care organization under this title in the same man-  
5 ner as such provisions apply to the utilization of  
6 such a year or measure by a State under this title.”.

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

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

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

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

- 1 such provisions apply to the utilization of such a year or
- 2 measure by the Secretary under this title.”.