

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5397  
OFFERED BY MRS. DINGELL OF MICHIGAN**

In lieu of the matter proposed to be inserted, insert  
the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. PRESERVATION OF PATIENT ACCESS TO HOME IN-  
5 FUSION THERAPY UNDER MEDICARE PRO-  
6 GRAM.**

7       (a) INCLUSION OF PHARMACY SERVICES.—Section  
8 1861(iii)(2) of the Social Security Act (42 U.S.C.  
9 1395x(iii)(2)) is amended—

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

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

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

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

3           (2) in clause (ii) by inserting after the first sen-  
4           tence the following new sentence: “For purposes of  
5           the previous sentence, a reference to payment to a  
6           qualified home infusion therapy supplier for an infu-  
7           sion drug administration calendar day in the home  
8           of such individual shall refer to payment for each  
9           day on which such a drug was administered to the  
10          individual (regardless of whether a qualified home  
11          infusion therapy supplier was physically present in  
12          the home of such individual on such date).”; and

13          (3) by adding at the end the following new  
14          clause:

15                           “(iv) SPECIAL RULE WHEN A QUALI-  
16                           FIED HOME INFUSION THERAPY SUPPLIER  
17                           NOT PHYSICALLY PRESENT IN THE INDI-  
18                           VIDUAL’S HOME.—In the case where a  
19                           qualified home infusion therapy supplier is  
20                           not physically present in the individual’s  
21                           home on the day the home infusion drug is  
22                           administered to the individual, the single  
23                           payment amount under this subsection for  
24                           items and services described in clause (i)  
25                           furnished on such day to such individual

1                   shall be an amount equal to 50 percent of  
2                   the amount that would have applied under  
3                   this subsection for such items and services  
4                   if such a supplier had been physically  
5                   present.”.

6           (c) PERMITTING NURSE PRACTITIONERS AND PHYSI-  
7   CIAN ASSISTANTS TO ESTABLISH AND REVIEW A HOME  
8   INFUSION PLAN OF CARE.—Section 1861(iii)(1)(B) of the  
9   Social Security Act (42 U.S.C. 1395x(iii)(1)(B)) is  
10   amended by striking “physician (as defined in subsection  
11   (r)(1)) and is periodically reviewed by a physician” and  
12   inserting “physician (as defined in subsection (r)(1)) or  
13   a nurse practitioner or physician assistant (as those terms  
14   are defined in subsection (aa)(5)) and is periodically re-  
15   viewed by a physician, nurse practitioner, or physician as-  
16   sistant”.

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

