

105TH CONGRESS
1ST SESSION

H. R. 2687

To amend title XVIII of the Social Security Act to provide for payment for drugs furnished incident to hospital outpatient department services under the prospective payment system for hospital outpatient department services.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1997

Mr. STARK introduced the following bill; which was referred to the Committee on 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

A BILL

To amend title XVIII of the Social Security Act to provide for payment for drugs furnished incident to hospital outpatient department services under the prospective payment system for hospital outpatient department services.

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. PAYMENT FOR CERTAIN DRUGS UNDER MEDI-**
2 **CARE PROSPECTIVE PAYMENT SYSTEM FOR**
3 **HOSPITAL OUTPATIENT DEPARTMENT SERV-**
4 **ICES.**

5 Section 1833(t)(1) of the Social Security Act (42
6 U.S.C. 1395l(t)(1)), as added by section 4523(a) of the
7 Balanced Budget Act of 1997, is amended by adding at
8 the end the following:

9 “(C) TREATMENT OF CERTAIN DRUGS.—

10 “(i) IN GENERAL.—In carrying out
11 subparagraph (B)(i), any drug that is ad-
12 ministered incident to a hospital outpatient
13 service (other than a drug that is furnished
14 to the individual for use outside the hos-
15 pital) shall be treated under this title as a
16 drug that cannot be self-administered and
17 designated as covered OPD services. Pay-
18 ment of the medicare OPD fee schedule
19 amount under this subsection shall be
20 treated as payment in full for such drug.

21 “(ii) BUDGET NEUTRALITY.—Nothing
22 in clause (i) shall be construed as authoriz-
23 ing or requiring the Secretary to deter-
24 mine—

1 “(I) total amounts that would be
2 payable for covered OPD services for
3 1999 under paragraph (3)(A), or

4 “(II) a conversion factor for
5 1999 under paragraph (3)(C)(i),
6 that are greater or less than the amounts
7 or conversion factor, respectively, that
8 would be determined under such para-
9 graphs without regard to such clause.”.

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