

110TH CONGRESS
1ST SESSION

H. R. 1190

To amend title XVIII of the Social Security Act to preserve access to
community cancer care by Medicare beneficiaries.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2007

Mr. DAVIS of Alabama (for himself and Mr. RAMSTAD) 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

A BILL

To amend title XVIII of the Social Security Act to preserve
access to community cancer care by Medicare beneficiaries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Community Cancer Care Preservation Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Application of average sales price payment methodology.

Sec. 3. Increase in Medicare part B reimbursement for chemotherapy administration.

Sec. 4. Provisions for the appropriate reporting and billing of physicians' services associated with pharmacy facilities management and medical oncology treatment planning.

1 **SEC. 2. APPLICATION OF AVERAGE SALES PRICE PAYMENT**

2 **METHODOLOGY.**

3 (a) **REQUIRING MONTHLY AND NOT QUARTERLY DE-**
4 **TERMINATIONS.—**

5 (1) **IN GENERAL.—**Section 1847A(c) of the So-
6 cial Security Act (42 U.S.C. 1395w-3a(c)) is
7 amended—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A) and in subparagraph (A), by
11 striking “calendar quarter” and inserting
12 “month” each place it appears; and

13 (ii) in subparagraph (B), by striking
14 “quarter” and inserting “month”;

15 (B) in paragraph (4)—

16 (i) in the heading, by striking “QUAR-
17 TER” and inserting “MONTH”; and

18 (ii) by striking “calendar quarter”
19 and inserting “month”; and

20 (C) in paragraph (5)—

21 (i) in subparagraph (A), by striking
22 “quarterly” and inserting “monthly” each
23 place it appears; and

1 (ii) by amending subparagraph (B) to
2 read as follows:

3 “(B) UPDATES IN PAYMENT AMOUNTS.—
4 The payment amounts under subsection (b)
5 shall be updated and applied by the Secretary
6 based upon the manufacturer’s average sales
7 price for a drug or biological calculated for the
8 most recent month for which data are available.
9 This update shall be made no later than two
10 months following publication of such data by
11 the manufacturer.”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall apply to payment amounts
14 for months beginning on or after January 1, 2008.

15 (b) ADJUSTMENT TO AVERAGE SALES PRICE CAL-
16 CULATION.—

17 (1) IN GENERAL.—Section 1847A(c) of such
18 Act (42 U.S.C. 1395w-3(a)(c)) is further amended
19 in paragraph (3)—

20 (A) in the first sentence, by striking
21 “prompt pay discounts,”; and

22 (B) in the second sentence, by inserting
23 “(other than prompt pay discounts),” after
24 “other price concessions,”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply to payment amounts
3 for months beginning on or after January 1, 2008.

4 **SEC. 3. INCREASE IN MEDICARE PART B REIMBURSEMENT**
5 **FOR CERTAIN CHEMOTHERAPY ADMINISTRATION.**
6 **TION.**

7 (a) IN GENERAL.—Section 1848(a) of the Social Se-
8 curity Act (42 U.S.C. 1395w-4(a)) is amended by adding
9 at the end the following new paragraph:

10 “(5) SPECIAL RULE FOR CERATIN CHEMO-
11 THERAPY ADMINISTRATION.—

12 “(A) IN GENERAL.—In the case of Medi-
13 care chemotherapy administration services fur-
14 nished on or after January 1, 2008, the fee
15 schedule amount to be applied shall be equal to
16 the following:

17 “(i) FIRST HOUR OF CHEMOTHERAPY
18 INFUSIONS.—For such services described
19 in clause (i), (ii), or (iii) of subparagraph
20 (B), an amount equal to 132 percent of
21 the fee schedule amount otherwise applica-
22 ble under this section (without regard to
23 this paragraph) for such respective serv-
24 ices.

1 “(ii) SUBSEQUENT HOURS OF CHEMO-
2 THERAPY INFUSIONS.—For such services
3 described in clause (iv) or (v) of subpara-
4 graph (B), an amount equal to 70 percent
5 of the amount determined under clause (i)
6 for services described in clause (i) or (iii),
7 respectively, of such subparagraph.

8 “(B) MEDICARE CHEMOTHERAPY ADMINIS-
9 TRATION SERVICES DEFINED.—For purposes of
10 this paragraph, the term ‘Medicare chemo-
11 therapy administration services’ means physi-
12 cians’ services identified, as of January 1,
13 2007, by any of the following codes (or any suc-
14 cessor to such a code as identified by the Sec-
15 retary) for which payments are made under
16 subsection (b):

17 “(i) CPT code 96413 (relating to in-
18 travenous infusions of initial drug up to
19 one hour).

20 “(ii) CPT code 96417 (relating to ad-
21 ditional, sequential intravenous infusions of
22 different drugs up to one hour).

23 “(iii) CPT code 96422 (relating to
24 inter-arterial infusions for up to one hour).

1 “(iv) CPT code 96415 (relating to in-
2 travenous infusions for subsequent hours).

3 “(v) CPT code 96423 (relating to
4 inter-arterial infusions for subsequent
5 hours).”.

6 **SEC. 4. PROVISIONS FOR THE APPROPRIATE REPORTING**
7 **AND BILLING OF PHYSICIANS’ SERVICES AS-**
8 **SOCIATED WITH PHARMACY FACILITIES MAN-**
9 **AGEMENT AND MEDICAL ONCOLOGY TREAT-**
10 **MENT PLANNING.**

11 (a) IN GENERAL.—Section 1848(c)(2) of the Social
12 Security Act (42 U.S.C. 1395w-4(c)(2)) is amended—

13 (1) in subparagraph (B)(iv)—

14 (A) in subclause (II), by striking “and”;

15 (B) in subclause (III), by striking the pe-
16 riod; and

17 (C) by adding at the end the following new
18 subclauses:

19 “(IV) subparagraph (K) insofar
20 as it relates to a physician fee sched-
21 ule for 2008 and each subsequent
22 year shall not be taken into account in
23 applying clause (ii)(II) for drug ad-
24 ministration services under the fee
25 schedule for such year; and

1 “(V) subparagraph (L) insofar as
2 it relates to a physician fee schedule
3 for 2008 and each subsequent year
4 shall not be taken into account in ap-
5 plying clause (ii)(II) for medical on-
6 cology treatment planning services
7 under the fee schedule for such
8 year.”; and

9 (2) by adding at the end the following new sub-
10 paragraphs:

11 “(K) ADJUSTMENT IN PAYMENT RATES
12 FOR PHARMACY FACILITIES MANAGEMENT
13 COSTS.—In establishing the physician fee
14 schedule under subsection (b) with respect to
15 payments for drug administration services fur-
16 nished on or after January 1, 2008, and in
17 order to take into account pharmacy facilities
18 management costs, the Secretary shall provide
19 for an additional payment for such services in
20 an amount equal to 2 percent of the amount de-
21 termined under section 1847A for the drug ad-
22 ministered.

23 “(L) PROVISIONS FOR THE APPROPRIATE
24 REPORTING AND BILLING OF PHYSICIANS’
25 SERVICES ASSOCIATED WITH PHARMACY FACILI-

1 TIES MANAGEMENT AND MEDICAL ONCOLOGY
2 TREATMENT PLANNING.—

3 “(i) CREATION OF NEW CPT CODES.—

4 “(I) PHARMACY FACILITIES MAN-
5 AGEMENT.—Not later than one year
6 after the date of the enactment of this
7 subparagraph, in carrying out sub-
8 paragraph (K), the Secretary shall
9 issue appropriate CPT codes for the
10 reporting and billing of pharmacy fa-
11 cilities management services that
12 would correspond to the additional
13 payment provided under subparagraph
14 (K).

15 “(II) MEDICAL ONCOLOGY
16 TREATMENT PLANNING.—Not later
17 than one year after the date of the en-
18 actment of this subparagraph, the
19 Secretary shall issue two new CPT
20 codes, one moderate and one complex,
21 for the reporting and billing of med-
22 ical oncology treatment planning serv-
23 ices furnished by physicians and other
24 professional staff in the specialties of

1 hematology, hematology-oncology, and
2 medical oncology.

3 “(ii) USE OF EXISTING PROCESSES.—

4 In carrying out clause (i), the Secretary
5 shall use existing processes for the imple-
6 mentation of such coding changes, as ap-
7 propriate.

8 “(iii) CONSULTATION.—In carrying
9 out clause (i), the Secretary shall consult
10 with representatives of physicians in the
11 specialties of hematology, hematology-on-
12 cology, and medical oncology affected by
13 the adoption of such coding changes.”.

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