

110TH CONGRESS
1ST SESSION

H. R. 3011

To amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mr. TOWNS (for himself, Mr. HALL of Texas, and Mr. WHITFIELD) 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 ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program.

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. REVISION OF PAYMENT METHODOLOGY FOR**
4 **DRUGS AND BIOLOGICALS UNDER MEDICARE**
5 **PART B.**

6 (a) FLOOR OF WIDELY AVAILABLE MARKET
7 PRICE.—Subsection (b) of section 1847A of the Social Se-
8 curity Act (42 U.S.C. 1395w-3a) is amended—

1 (1) in paragraph (1), by inserting “paragraph
2 (6) and” after “Subject to”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(6) FLOOR OF WIDELY AVAILABLE MARKET
6 PRICE.—The Secretary shall increase the payment
7 amount determined under this subsection for a drug
8 or biological to the extent necessary to ensure that
9 such payment amount is in no case less than the
10 widely available market price for the drug or biological
11 (as determined under subsection (d) or by the
12 Secretary).”.

13 (b) TREATMENT OF PROMPT PAY DISCOUNTS.—Sub-
14 section (c)(3) of such section is amended—

15 (1) in the first sentence, by inserting “fur-
16 nished to physicians” after “prompt pay discounts”;
17 and

18 (2) in the second sentence, by inserting “(other
19 than prompt pay discounts)” after “other price con-
20 cessions”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to drugs and biologicals that are
23 furnished on or after January 1, 2008.

○