

115TH CONGRESS
1ST SESSION

H. R. 4392

To provide that the provision of the Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs final regulation relating to changes in the payment amount for certain drugs and biologicals purchased under the 340B drug discount program shall have no force or effect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2017

Mr. MCKINLEY (for himself, Mr. THOMPSON of California, Mr. JOHNSON of Ohio, Mr. KUSTOFF of Tennessee, Mr. COURTNEY, and Ms. CASTOR of Florida) 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 provide that the provision of the Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs final regulation relating to changes in the payment amount for certain drugs and biologicals purchased under the 340B drug discount program shall have no force or effect, and for other purposes.

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. TREATMENT OF CERTAIN MEDICARE HOSPITAL**
2 **OUTPATIENT PAYMENTS FOR CERTAIN**
3 **DRUGS; OPPS BUDGET NEUTRALITY ADJUST-**
4 **MENT.**

5 (a) PREVENTING IMPLEMENTATION OF MEDICARE
6 HOSPITAL OUTPATIENT PAYMENT CHANGES FOR HOS-
7 PITALS THAT PURCHASE DRUGS UNDER 340B DRUG
8 DISCOUNT PROGRAM.—Beginning on the date of the en-
9 actment of this Act, the Secretary of Health and Human
10 Services shall not take any action to implement, admin-
11 ister, or enforce the provision of the final regulation titled
12 the Medicare Program: Hospital Outpatient Prospective
13 Payment and Ambulatory Surgical Center Payment Sys-
14 tems and Quality Reporting Programs published on No-
15 vember 13, 2017 (82 Fed. Reg. 52356 et seq.), that would
16 change the payment amount under the Prospective Pay-
17 ment System for Hospital Outpatient Department Serv-
18 ices under section 1833(t) of the Social Security Act (42
19 U.S.C. 1395l(t)) for separately payable, nonpass-through
20 drugs and biologicals purchased under the drug discount
21 program under section 340B of the Public Health Service
22 Act (42 U.S.C. 256b). The payment amount under such
23 payment system under such section 1833(t) for such a
24 drug or biological shall be determined through the same
25 methodology as if such final regulation did not apply.

1 (b) OPPS BUDGET NEUTRALITY ADJUSTMENT.—
2 The first sentence of section 1833(t)(9)(B) of the Social
3 Security Act (42 U.S.C. 1395l(t)(9)(B)) is amended by
4 striking “part” each place such term appears and insert-
5 ing “subsection” each such place.

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