

115TH CONGRESS
1ST SESSION

H. R. 4229

To extend the transition to new payment rates for durable medical equipment under the Medicare program and amend title XVIII of the Social Security Act to update the Medicare budget neutrality requirement for oxygen.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2017

Mrs. McMORRIS RODGERS (for herself, Mr. ADERHOLT, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUM, Mr. BUCSHON, Mr. COLLINS of Georgia, Mr. COLLINS of New York, Mr. COOK, Mr. CRAMER, Mr. DUFFY, Mr. DUNCAN of Tennessee, Mr. FERGUSON, Mr. GALLAGHER, Mr. GIANFORTE, Mr. GRAVES of Georgia, Mr. GRAVES of Missouri, Mr. GRIFFITH, Mr. HARPER, Mrs. HARTZLER, Mr. JENKINS of West Virginia, Ms. JENKINS of Kansas, Mr. JOHNSON of Ohio, Mr. JOYCE of Ohio, Ms. KAPTUR, Mr. KELLY of Pennsylvania, Mr. KING of Iowa, Ms. KUSTER of New Hampshire, Mr. LAMALFA, Mr. LAMBORN, Mr. LATTA, Mr. LONG, Mr. LUETKEMEYER, Mr. MARINO, Mr. MARSHALL, Mr. MOULTON, Mrs. NOEM, Mr. ROGERS of Alabama, Mr. ROTHFUS, Ms. SEWELL of Alabama, Mr. SMITH of Missouri, Mr. TIBERI, Mr. TIPTON, Mr. TURNER, Mrs. WAGNER, Mr. WELCH, Mr. YOUNG of Iowa, Mr. RYAN of Ohio, Mr. ROE of Tennessee, Mr. ALLEN, Mr. VISCLOSKY, Mr. KELLY of Mississippi, Mr. MULLIN, and Mr. LOEBSACK) 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 extend the transition to new payment rates for durable medical equipment under the Medicare program and amend title XVIII of the Social Security Act to update the Medicare budget neutrality requirement for oxygen.

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.**

4 This Act may be cited as the “Protecting Home Oxy-
5 gen & Medical Equipment Access Act of 2017” or the
6 “Protecting HOME Access Act of 2017”.

7 **SEC. 2. EXTENSION OF THE TRANSITION TO NEW PAYMENT**
8 **RATES FOR DURABLE MEDICAL EQUIPMENT**
9 **UNDER THE MEDICARE PROGRAM.**

10 (a) IN GENERAL.—The Secretary of Health and
11 Human Services shall extend the transition period de-
12 scribed in clause (i) of section 414.210(g)(9) of title 42,
13 Code of Federal Regulations, from January 1, 2017, to
14 December 31, 2018 (with the full implementation de-
15 scribed in clause (ii) of such section applying to items and
16 services furnished with dates of service on or after Janu-
17 ary 1, 2019).

18 (b) PAYMENT AMOUNT.—Notwithstanding section
19 414.210(g)(8) of title 42, Code of Federal Regulations,
20 reimbursement rates for applicable items and services ap-
21 plied pursuant to subsection (a) shall be equal to reim-
22 bursement rates in effect on January 1, 2016.

1 **SEC. 3. BUDGET NEUTRALITY FOR OXYGEN UNDER THE**
2 **MEDICARE PROGRAM.**

3 (a) **IN GENERAL.**—Section 1834(a)(9)(D)(ii) of the
4 Social Security Act (42 U.S.C. 1395m(a)(9)(D)(ii)) is
5 amended by adding at the end the following new sentence:
6 “The requirement of the preceding sentence shall not
7 apply to an action described in clause (i) with respect to
8 items and services described in such clause for which there
9 is conducted a competitive acquisition program under sec-
10 tion 1847(a) or with respect to which payment is adjusted
11 pursuant to clause (ii) or (iii) of paragraph (1)(F).”.

12 (b) **EFFECTIVE DATE.**—The amendment made by
13 paragraph (1) shall apply with respect to items and serv-
14 ices furnished on or after the date that is 30 days after
15 the date of the enactment of this Act.

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