

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to provide for coverage and payment of Alpha-1 Antitrypsin Deficiency Disorder treatment under part B of such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SALAZAR introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XVIII of the Social Security Act to provide for coverage and payment of Alpha-1 Antitrypsin Deficiency Disorder treatment under part B of such title, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John W. Walsh Alpha-
5 1 Home Infusion Act of 2021”.

1 **SEC. 2. MEDICARE COVERAGE OF ALPHA-1 ANTITRYPSIN**
2 **DISORDER TREATMENT.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by striking “and” at the end of sub-
7 paragraph (GG);

8 (B) by inserting “and” at the end of sub-
9 paragraph (HH); and

10 (C) by inserting at the end the following
11 new subparagraph:

12 “(II) Alpha-1 Antitrypsin Deficiency Dis-
13 order treatment (as defined in subsection
14 (III));”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(III) ALPHA-1 ANTITRYPSIN DEFICI-
18 CIENCY DISORDER TREATMENT.—(1) The
19 term ‘Alpha-1 Antitrypsin Deficiency Dis-
20 order treatment’ means augmentation ther-
21 apy (as defined in paragraph (2)(C)) fur-
22 nished by qualified home infusion therapy
23 suppliers (as defined in paragraph (2)(D))
24 which are furnished in the individual’s
25 home (as defined in paragraph (2)(B)) to
26 an individual—

1 “(A) who is under the care of an applicable
2 provider;

3 “(B) who is enrolled under both parts A
4 and B of this title, and is not enrolled in an
5 MA plan under part C of such title; and

6 “(C) who requires augmentation therapy
7 (as defined in paragraph (2)(C)).

8 “(2) For purposes of this subsection:

9 “(A) The term ‘applicable provider’
10 means—

11 “(i) a physician;

12 “(ii) a nurse practitioner; and

13 “(iii) a physician assistant.

14 “(B) The term ‘home’ means a place of
15 residence used as the home of an individual (as
16 defined for purposes of subsection (n)).

17 “(C) The term ‘augmentation therapy’
18 means an Alpha-1 Proteinase Inhibitor indi-
19 cated for chronic augmentation and mainte-
20 nance therapy in adults with clinical evidence of
21 emphysema due to severe hereditary deficiency
22 of Alpha-1 Antitrypsin.

23 “(D) The term ‘qualified home infusion
24 therapy supplier’ has the meaning given such
25 term in subsection (iii)(3)(D)(i).”.

1 (b) PAYMENT FOR INTRAVENOUS ADMINISTRATION
2 KITS AND NURSING SERVICES FOR ALPHA-1
3 ANTITRYPSIN DEFICIENCY DISORDER TREATMENT.—
4 Section 1834 of the Social Security Act (42 U.S.C.
5 1395m) is amended by adding at the end the following
6 new subsection:

7 “(z) PAYMENT FOR INTRAVENOUS ADMINISTRATION
8 KITS AND NURSING SERVICES FOR ALPHA-1
9 ANTITRYPSIN DEFICIENCY DISORDER TREATMENT.—The
10 Secretary shall implement a payment system under which
11 payment is made under this title to a qualified home infu-
12 sion therapy supplier (as defined in section
13 1861(III)(3)(D)) for intravenous administration kits and
14 nursing services for up to 2 hours of care by a qualified
15 home infusion therapy supplier in coordination with the
16 furnishing of augmentation therapy (as defined in section
17 1861(III)(2)(C)).”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) PAYMENT REFERENCE.—Section
20 1833(a)(1) of the Social Security Act (42 U.S.C.
21 1395l(a)(1)) is amended—

22 (A) by striking “and” before “(DD)”; and
23 (B) by inserting before the semicolon at
24 the end the following: “, and (EE) with respect
25 to intravenous administration kits and nursing

1 services described in section 1834(z) for Alpha-
2 1 Antitrypsin Disorder treatment (as defined in
3 subsection (lll)(1)), the amount paid for such
4 kits and services shall be an amount equal to
5 80 percent of the lesser of the actual charge for
6 the services or the amount determined under
7 section 1834(z)”.

8 (2) DIRECT PAYMENT.—The first sentence of
9 section 1842(b)(6) of the Social Security Act (42
10 U.S.C. 1395u(b)(6)) is amended—

11 (A) by striking “and” before “(J)”;

12 (B) by inserting before the period at the
13 end the following: “, and (K) in the case of in-
14 travenous administration kits and nursing serv-
15 ices described in section 1834(z) , payment
16 shall be made to the qualified home infusion
17 therapy supplier (as defined in section
18 1861(lll)(2)(D))”.

19 (3) EXCLUSION FROM HOME HEALTH SERV-
20 ICES.—Section 1861(m) of the Social Security Act
21 (42 U.S.C. 1395x(m)) is amended, in the first sen-
22 tence, by inserting the following before the period at
23 the end: “and intravenous administration kits and
24 nursing services described in section 1834(z) for

1 Alpha-1 Antitrypsin Deficiency Disorder treatment
2 (as defined in subsection (lll)(1))”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to items and services furnished on
5 or after January 1, 2023.