

116TH CONGRESS
1ST SESSION

H. R. 2498

To amend title XVIII of the Social Security Act to ensure that hospitals receive adequate payment for the acquisition of hematopoietic stem cells under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2019

Mr. KIND (for himself, Mr. MARCHANT, Mr. BILIRAKIS, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to ensure that hospitals receive adequate payment for the acquisition of hematopoietic stem cells under the Medicare program, 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 “Patient Access to Cel-
5 lular Transplant Act” or the “PACT Act”.

1 **SEC. 2. HEMATOPOIETIC STEM CELL ACQUISITION PAY-**
2 **MENTS.**

3 Section 1886 of the Social Security Act (42 U.S.C.
4 1395ww) is amended—

5 (1) in subsection (a)(4), in the second sentence,
6 by inserting “for cost reporting periods beginning on
7 or after October 1, 2020, costs related to hematopoi-
8 etic stem cell acquisition for the purpose of an allo-
9 geneic hematopoietic stem cell transplant (as de-
10 scribed in subsection (d)(5)(M)),” after “October 1,
11 1987),”;

12 (2) in subsection (d)—

13 (A) in paragraph (4)(C)(iii)—

14 (i) by inserting “or payments under
15 paragraph (5)(M) (beginning with fiscal
16 year 2021)” after “fiscal year 1991”;

17 (ii) by inserting “or payments under
18 paragraph (5)(M)” before the period at the
19 end; and

20 (B) in paragraph (5), by adding at the end
21 the following new subparagraph:

22 “(M)(i) For cost reporting periods beginning on or
23 after October 1, 2020, in the case of a subsection (d) hos-
24 pital that furnishes an allogeneic hematopoietic stem cell
25 transplant to an individual during such a period, payment
26 to such hospital for hematopoietic stem cell acquisition

1 shall be made on a reasonable cost basis. The items in-
2 cluded in such hematopoietic stem cell acquisition shall be
3 specified by the Secretary through rulemaking.

4 “(ii) For purposes of this subparagraph, the term
5 ‘allogeneic hematopoietic stem cell transplant’ means, with
6 respect to an individual, the intravenous infusion of
7 hematopoietic cells derived from bone marrow, peripheral
8 blood stem cells, or cord blood, but not including embry-
9 onic stem cells, of a donor to an individual that are or
10 may be used to restore hematopoietic function in such in-
11 dividual having an inherited or acquired deficiency or de-
12 fect.”.

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