

117TH CONGRESS
2D SESSION

H. R. 8594

To amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2022

Ms. CLARKE of New York (for herself, Mr. ARRINGTON, Mr. CARTER of Georgia, Mr. DANNY K. DAVIS of Illinois, Mr. CÁRDENAS, Mr. O'HALLERAN, Mr. SOTO, Ms. SEWELL, Ms. HERRERA BEUTLER, Ms. VAN DUYNÉ, Mr. FERGUSON, Mr. JOYCE of Pennsylvania, Mr. WENSTRUP, Mr. PAYNE, Mr. DUNN, Mr. SWALWELL, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act.

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 “Restore Protections
5 for Dialysis Patients Act”.

1 **SEC. 2. CLARIFICATION ON PROHIBITION AGAINST DIS-**
2 **CRIMINATION AGAINST DIALYSIS UNDER**
3 **MEDICARE.**

4 Section 1862(b)(1)(C) of the Social Security Act (42
5 U.S.C. 1395y(b)(1)(C)) is amended—

6 (1) in clause (i), by inserting “, or that such an
7 individual requires the use of an item or service,”
8 before “during the 12-month period”; and

9 (2) by adding at the end of the matter following
10 clause (ii), the following new sentence: “Notwith-
11 standing any other provision of law, a group health
12 plan shall be treated as differentiating in the bene-
13 fits it provides in violation of clause (ii) if the plan
14 limits, restricts, or conditions the benefits the plan
15 provides for renal dialysis services as compared to
16 the benefits the plan provides for other medical serv-
17 ices that are necessary to treat other chronic medical
18 conditions and that are covered under the plan.”.

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