

**Amendment to the Amendment in the Nature of a Substitute to H.R. 3
Offered by Rep. Wenstrup of Ohio**

The amendment would improve transparency of out-of-pocket costs for patients getting their Part B drugs and reduce out-of-pocket costs for patients who are getting their Part B drugs in certain hospital settings or by a hospital-owned physician practice.

AMENDMENT

OFFERED BY MR. WENSTRUP OF OHIO

Add at the end the following (and conform the table of contents accordingly):

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE**
3 **TRANSPARENCY.**

4 Section 1834(t) of the Social Security Act (42 U.S.C.
5 1395m(t)) is amended—

6 (1) in paragraph (1)—

7 (A) in the heading, by striking “IN GEN-
8 ERAL” and inserting “SITE PAYMENT”;

9 (B) in the matter preceding subparagraph
10 (A)—

11 (i) by striking “or to” and inserting “,
12 to”;

13 (ii) by inserting “, or to a physician
14 for drug administration services furnished
15 in a physician’s office” and “surgical cen-
16 ter”; and

17 (iii) by inserting “(or 2021 with re-
18 spect to a physician for drug administra-
19 tion services furnished in a physician’s of-

1 fice)” after “2018”; and (C) in subpara-
2 graph (A)—

3 (iv) by striking “and the” and insert-
4 ing “, the”; and

5 (v) by inserting “, and the physician
6 fee schedule under section 1848 (with re-
7 spect to the practice expense component of
8 such payment amount)” after “such sec-
9 tion”;

10 (2) by redesignating paragraphs (2) through
11 (4) and paragraphs (3) through (5), respectively;
12 and

13 (3) by inserting after paragraph (1) the fol-
14 lowing new paragraph:

15 “(2) PHYSICIAN PAYMENT.—Beginning in
16 2021, the Secretary shall expand the information in-
17 cluded on the Internet website described in para-
18 graph (1) to include—

19 “(A) the amount paid to a physician under
20 section 1848 for an item or service for the set-
21 tings described in paragraph (1); and

22 “(B) the estimated amount of beneficiary
23 liability applicable to the item or service.”.

1 **SEC. 602. TREATMENT OF DRUG ADMINISTRATION SERV-**
2 **ICES FURNISHED BY CERTAIN EXCEPTED**
3 **OFF-CAMPUS OUTPATIENT DEPARTMENTS OF**
4 **A PROVIDER.**

5 Section 1833(t)(16) of the Social Security Act (42
6 12 U.S.C. 1395l(t)(16)) is amended by adding at the end
7 the following new subparagraph:

8 “(G) SPECIAL PAYMENT RULE FOR DRUG
9 ADMINISTRATION SERVICES FURNISHED BY AN
10 EXCEPTED DEPARTMENT OF A PROVIDER.—

11 “(i) IN GENERAL.—In the case of a
12 covered OPD service that is a drug admin-
13 istration service (as defined by the Sec-
14 retary) furnished by a department of a
15 provider described in clause (ii) or (iv) of
16 paragraph (21)(B), the payment amount
17 for such service furnished on or after Jan-
18 uary 1, 2021, shall be the same payment
19 amount (as determined in paragraph
20 (21)(C)) that would apply if the drug ad-
21 ministration service was furnished by an
22 off-campus outpatient department of a pro-
23 vider (as defined in paragraph (21)(B)).

24 “(ii) APPLICATION WITHOUT REGARD
25 TO BUDGET NEUTRALITY.—The reductions
26 made under this subparagraph—

4

1 “(I) shall not be considered an
2 adjustment under paragraph (2)(E);
3 and

4 “(II) shall not be implemented in
5 a budget neutral manner.”.

