

 [~118176860]
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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

Mr. KELLY of Pennsylvania introduced the following bill; which was referred to the Committee on _____

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”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are the following:

1 “(ii) may not on any basis (including
2 the diagnosis of end stage renal disease or
3 the need for renal dialysis) or in any man-
4 ner—

5 “(I) differentiate (or have the ef-
6 fect of differentiating) in the benefits
7 it provides between individuals having
8 end stage renal disease and other in-
9 dividuals covered by such plan; or

10 “(II) apply a limitation on bene-
11 fits (including on network composi-
12 tion) under the plan that will dispar-
13 ately affect individuals having end
14 stage renal disease;”; and

15 (2) by adding at the end of the matter following
16 clause (ii) the following new sentences: “Nothing in
17 this subsection shall be construed as requiring a
18 group health plan to include a particular renal dialy-
19 sis provider or a particular number of renal dialysis
20 providers as part of the provider network the group
21 health plan elects to offer its enrollees. The Sec-
22 retary shall enforce this subparagraph consistent
23 with the nonconformance determination require-
24 ments set forth in part 411 of title 42, Code of Fed-
25 eral Regulations.”.