

[DISCUSSION DRAFT]

1 **SECTION ____ . TREATMENT OF CERTAIN MEDICARE HOS-**
2 **PITAL OUTPATIENT PAYMENTS FOR CERTAIN**
3 **DRUGS; OPPTS BUDGET NEUTRALITY ADJUST-**
4 **MENT; IME LUMP SUM PAYMENT.**

5 (a) DELAYING IMPLEMENTATION OF MEDICARE
6 HOSPITAL OUTPATIENT PAYMENT CHANGES FOR HOS-
7 PITALS THAT PURCHASE DRUGS UNDER 340B DRUG
8 DISCOUNT PROGRAM.—For the two-year period beginning
9 on the date of the enactment of this Act, the Secretary
10 of Health and Human Services shall not take any action
11 to implement, administer, or enforce the provision of the
12 final regulation titled the Medicare Program: Hospital
13 Outpatient Prospective Payment and Ambulatory Surgical
14 Center Payment Systems and Quality Reporting Pro-
15 grams published on November 13, 2017 (82 Fed. Reg.
16 52356 et seq.), that would change the payment amount
17 under the Prospective Payment System for Hospital Out-
18 patient Department Services under section 1833(t) of the
19 Social Security Act (42 U.S.C. 1395l(t)) for separately
20 payable, nonpass-through drugs and biologicals purchased
21 under the drug discount program under section 340B of
22 the Public Health Service Act (42 U.S.C. 256b). During

1 such period, the payment amount under such payment
2 system under such section 1833(t) for such a drug or bio-
3 logical shall be determined through the same methodology
4 as if such final regulation did not apply.

5 (b) OPPTS BUDGET NEUTRALITY ADJUSTMENT.—
6 The first sentence of section 1833(t)(9)(B) of the Social
7 Security Act (42 U.S.C. 1395l(t)(9)(B)) is amended by
8 striking “part” each place such term appears and insert-
9 ing “subsection” each such place.

10 (c) INDIRECT MEDICAL EDUCATION LUMP SUM PAY-
11 MENT.—Section 1886(d)(5)(B) of the Social Security Act
12 (42 U.S.C. 1395ww(d)(5)(B)) is amended—

13 (1) by redesignating the clause (x) added by
14 section 5505(b) of Public Law 111-148 as clause
15 (xi) and moving such clause 2 ems to the left; and

16 (2) by adding at the end the following new
17 clause:

18 “(xii) The Secretary shall make such additional
19 payment, with respect to discharges occurring on or
20 after the date of the enactment of this clause, in ac-
21 cordance with such timing rules (such as a lump
22 sum payment amount) as are similar to the timing
23 rules for additional payments made under subsection
24 (h).”.