

117TH CONGRESS
1ST SESSION

S. 2363

To amend title XVIII of the Social Security Act to make technical amendments to the separate payment under the Medicare program for disposable negative pressure wound therapy devices.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. BURR (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to make technical amendments to the separate payment under the Medicare program for disposable negative pressure wound therapy devices.

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 “Better Wound Care
5 at Home Act”.

1 **SEC. 2. TECHNICAL AMENDMENTS TO MEDICARE SEPA-**
2 **RATE PAYMENT FOR DISPOSABLE NEGATIVE**
3 **PRESSURE WOUND THERAPY DEVICES.**

4 (a) IN GENERAL.—Section 1834(s) of the Social Se-
5 curity Act (42 U.S.C. 1395m(s)) is amended—

6 (1) in paragraph (1), by adding at the end the
7 following new sentence: “Effective as of January 1,
8 2022, such separate payment shall be a national
9 payment rate established each year for the applica-
10 ble disposable device itself, and not for the related
11 professional services or home visit to furnish the de-
12 vice, and shall be made under the prospective pay-
13 ment system established under section 1895, as an
14 add-on payment for the device in addition to other
15 payments available to a home health agency under
16 such section.”;

17 (2) in paragraph (3), by adding at the end the
18 following new sentences: “In calculating the separate
19 payment amount for applicable disposable devices in
20 a given year, the Secretary shall assume no facility
21 level adjustments are applied and the wage adjust-
22 ment factor shall be 1.0, regardless of the wage ad-
23 justment factor that would otherwise apply under
24 section 1833(t). The separate payment for the appli-
25 cable disposable device shall be made under the pro-
26 spective payment system established under section

1 1895, and nothing in this paragraph shall be con-
2 strued to authorize the separate payment for the ap-
3 plicable disposable device to be under a different
4 payment system.”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(4) IMPLEMENTATION.—As part of submitting
8 claims eligible for or related to the separate add-on
9 payment established under this subsection, the Sec-
10 retary shall accept and process claims submitted
11 using the type of bill that is most commonly used by
12 home health agencies to bill services under a home
13 health plan of care, and the Secretary shall not re-
14 quire home health agencies to account for the time
15 spent applying the applicable disposable device sepa-
16 rately from the time spent treating other conditions
17 or to submit claims for payment under a payment
18 system other than the prospective payment system
19 established under section 1895. Notwithstanding any
20 other provision of law, the Secretary may implement
21 this subsection by program instruction or other-
22 wise.”.

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