

117TH CONGRESS
2D SESSION

S. 4750

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 SENATE OF THE UNITED STATES

AUGUST 3, 2022

Mr. MENENDEZ (for himself and Mr. CASSIDY) 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 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. CLARIFICATION AND PRESERVATION OF PROHIBI-**
7 **TION UNDER MEDICARE.**

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

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

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

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