

118TH CONGRESS
2D SESSION

H. R. 8849

To amend title XVIII of the Social Security Act to improve the national and local coverage determination processes under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2024

Mr. SMUCKER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to improve the national and local coverage determination processes under the Medicare program.

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 “Timeline Integrity for
5 Medicare Evidence Development Act of 2024” or the
6 “TIMED Act of 2024”.

1 **SEC. 2. IMPROVING THE NATIONAL AND LOCAL COVERAGE**
2 **DETERMINATION PROCESSES UNDER THE**
3 **MEDICARE PROGRAM.**

4 (a) IN GENERAL.—Section 1862(l) of the Social Se-
5 curity Act (42 U.S.C. 1395y(l)) is amended by adding at
6 the end the following new paragraph:

7 “(7) LIMITATION ON DURATION OF COVERAGE
8 WITH EVIDENCE DEVELOPMENT DETERMINA-
9 TIONS.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), in the case of a final decision under
12 paragraph (3)(C)(i) (including any such deci-
13 sion made on a class-wide basis) made on or
14 after the date of the enactment of this para-
15 graph that results in coverage of an item or
16 service pursuant to subsection (a)(1)(E), the
17 Secretary shall, not later than 10 years after
18 the date on which such coverage becomes effec-
19 tive pursuant to such subsection, initiate a re-
20 determination with respect to such item or serv-
21 ice.

22 “(B) EXCEPTION.—The Secretary may
23 delay a redetermination described in subpara-
24 graph (A) with respect to an item or service for
25 a period of time determined appropriate by the
26 Secretary if—

1 “(i) the Secretary finds that such
2 item or service is reasonable and necessary
3 to carry out the purposes described in sec-
4 tion 1142; or

5 “(ii) the entity responsible for such
6 item or service requests such extension.

7 “(C) POSTING OF INFORMATION.—Not
8 later than 1 year after the date of the enact-
9 ment of this paragraph, and annually there-
10 after, the Secretary post on the public website
11 of the Centers for Medicare & Medicaid Serv-
12 ices the following information:

13 “(i) The number of items and services
14 covered under this title pursuant to sub-
15 section (a)(1)(E).

16 “(ii) A description of each such item
17 or service.

18 “(iii) The year in which coverage of
19 each such item or service became effective
20 pursuant to such subsection.”.

21 (b) PROVISION OF EXPLANATION IN CASE OF CER-
22 TAIN REJECTED REQUESTS.—Section 1862(l) of the So-
23 cial Security Act (42 U.S.C. 1395y(l)), as amended by
24 subsection (a), is further amended by adding at the end
25 the following new paragraph:

1 “(8) REQUIREMENT TO PROVIDE EXPLANATION
2 IN CASE OF CERTAIN REJECTED REQUESTS.—With
3 respect to each document received by the Secretary
4 on or after the date that is 1 year after the date of
5 the enactment of this paragraph that identifies itself
6 as a complete, formal request for a national coverage
7 determination (as described in the notice entitled
8 ‘Medicare Program; Revised Process for Making Na-
9 tional Coverage Determinations’ (78 Fed. Reg.
10 48164) or a successor regulation), the Secretary
11 shall, not later than 90 days after receipt of such
12 document—

13 “(A) determine whether such document is
14 a complete, formal request for a national cov-
15 erage determination; and

16 “(B) in the case that the Secretary finds
17 that such document is not a complete, formal
18 request for a national coverage determination,
19 transmit to the entity submitting such docu-
20 ment information on such finding that includes
21 a specification of additional information needed
22 to make such document a complete, formal re-
23 quest for a national coverage determination.”.

24 (c) IMPROVING ACCESS TO ITEMS AND SERVICES
25 UNDER LOCAL COVERAGE DETERMINATIONS.—Section

1 1862(l)(5) of the Social Security Act (42 U.S.C.
2 1395y(l)(5)) is amended by adding at the end the fol-
3 lowing new subparagraph:

4 “(E) ENSURING CONSISTENCY WITH AP-
5 PLICABLE RULES.—The Secretary shall require
6 each Medicare administrative contractor that
7 develops a local coverage determination to en-
8 sure that any such local coverage determination
9 does not conflict with any law, ruling, regula-
10 tion, national coverage determination, payment
11 policy, or coding policy.”.

12 (d) FUNDING.—There are authorized to be appro-
13 priated \$1,000,000 for fiscal year 2024 for purposes of
14 carrying out the amendments made by this section.

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