

116TH CONGRESS
2D SESSION

H. R. 6214

To amend title XVIII of the Social Security Act to provide for coverage of testing for COVID–19 at no cost sharing under the Medicare Advantage program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Mr. KIND (for himself, Mrs. TRAHAN, and Ms. BARRAGÁN) 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 provide for coverage of testing for COVID–19 at no cost sharing under the Medicare Advantage program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COVERAGE OF TESTING FOR COVID-19 AT NO**
2 **COST SHARING UNDER THE MEDICARE AD-**
3 **VANTAGE PROGRAM.**

4 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
5 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
6 amended—

7 (1) in clause (iv)—

8 (A) by redesignating subclause (IV) as
9 subclause (VI); and

10 (B) by inserting after subclause (III) the
11 following new subclauses:

12 “(IV) In vitro diagnostic prod-
13 ucts (as defined in section 809.3(a) of
14 title 21, Code of Federal Regulations)
15 administered during any portion of
16 the emergency period defined in para-
17 graph (1)(B) of section 1135(g) be-
18 ginning on or after the date of the en-
19 actment of clause (vi) for the detec-
20 tion of SARS-CoV-2 or the diagnosis
21 of the virus that causes COVID-19
22 that are approved, cleared, or author-
23 ized under section 510(k), 513, 515
24 or 564 of the Federal Food, Drug,
25 and Cosmetic Act, and the adminis-

1 tration of such in vitro diagnostic
2 products.

3 “(V) Specified COVID–19 test-
4 ing-related services (as described in
5 section 1833(cc)(1)) for which pay-
6 ment would be payable under a speci-
7 fied outpatient payment provision de-
8 scribed in section 1833(cc)(2).”;

9 (2) in clause (v), by inserting “, other than sub-
10 clauses (IV) and (V) of such clause,” after “clause
11 (iv)”;

12 (3) by adding at the end the following new
13 clause:

14 “(vi) PROHIBITION OF APPLICATION
15 OF CERTAIN REQUIREMENTS FOR COVID–19
16 TESTING.—In the case of a product or
17 service described in subclause (IV) or (V),
18 respectively, of clause (iv) that is adminis-
19 tered or furnished during any portion of
20 the emergency period described in such
21 subclause beginning on or after the date of
22 the enactment of this clause, an MA plan
23 may not impose any prior authorization or
24 other utilization management requirements

1 with respect to the coverage of such a
2 product or service under such plan.”.

3 (b) IMPLEMENTATION.—The Secretary of Health and
4 Human Services may implement the amendments made by
5 this section by program instruction or otherwise.

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