

116TH CONGRESS  
1ST SESSION

# S. 1268

To amend title XVIII of the Social Security Act to ensure that hospitals receive adequate payment for the acquisition of hematopoietic stem cells under the Medicare program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 1, 2019

Ms. STABENOW (for herself, Mr. BURR, Mr. BROWN, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to ensure that hospitals receive adequate payment for the acquisition of hematopoietic stem cells under the Medicare program, and for other purposes.

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 “Patient Access to Cel-  
5 lular Transplant Act” or the “PACT Act”.

1 **SEC. 2. HEMATOPOIETIC STEM CELL ACQUISITION PAY-**  
2 **MENTS.**

3 Section 1886 of the Social Security Act (42 U.S.C.  
4 1395ww) is amended—

5 (1) in subsection (a)(4), in the second sentence,  
6 by inserting “for cost reporting periods beginning on  
7 or after October 1, 2020, costs related to  
8 hematopoietic stem cell acquisition for the purpose  
9 of an allogeneic hematopoietic stem cell transplant  
10 (as described in subsection (d)(5)(M)),” after “Octo-  
11 ber 1, 1987),”;

12 (2) in subsection (d)—

13 (A) in paragraph (4)(C)(iii)—

14 (i) by inserting “or payments under  
15 paragraph (5)(M) (beginning with fiscal  
16 year 2021)” after “fiscal year 1991”;

17 (ii) by inserting “or payments under  
18 paragraph (5)(M)” before the period at the  
19 end; and

20 (B) in paragraph (5), by adding at the end  
21 the following new subparagraph:

22 “(M)(i) For cost reporting periods beginning on or  
23 after October 1, 2020, in the case of a subsection (d) hos-  
24 pital that furnishes an allogeneic hematopoietic stem cell  
25 transplant to an individual during such a period, payment  
26 to such hospital for hematopoietic stem cell acquisition

1 shall be made on a reasonable cost basis. The items in-  
2 cluded in such hematopoietic stem cell acquisition shall be  
3 specified by the Secretary through rulemaking.

4       “(ii) For purposes of this subparagraph, the term  
5 ‘allogeneic hematopoietic stem cell transplant’ means, with  
6 respect to an individual, the intravenous infusion of  
7 hematopoietic cells derived from bone marrow, peripheral  
8 blood stem cells, or cord blood, but not including embry-  
9 onic stem cells, of a donor to an individual that are or  
10 may be used to restore hematopoietic function in such in-  
11 dividual having an inherited or acquired deficiency or de-  
12 fect.”.

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