

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act.

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IN THE SENATE OF THE UNITED STATES

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

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**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.”.