

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4756

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to take into account the health of a primary caregiver in determining whether an item of durable medical equipment is considered medically necessary and appropriate under part B of the medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1994

Mr. BROWN of Ohio introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

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## A BILL

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to take into account the health of a primary caregiver in determining whether an item of durable medical equipment is considered medically necessary and appropriate under part B of 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,*

1 **SECTION 1. CONSIDERATION OF EFFECT OF DENIAL OF**  
2 **COVERAGE OF DURABLE MEDICAL EQUIP-**  
3 **MENT ON HEALTH OF PRIMARY CAREGIVER**  
4 **IN MEDICAL NECESSITY DETERMINATIONS.**

5 (a) IN GENERAL.—Section 1834(a)(1) of the Social  
6 Security Act (42 U.S.C. 1395m(a)(1)) is amended by add-  
7 ing at the end the following new subparagraph:

8 “(E) CONSIDERATION OF NEEDS OF PRI-  
9 MARY CAREGIVER IN MEDICAL NECESSITY DE-  
10 TERMINATIONS.—

11 “(i) IN GENERAL.—In determining  
12 whether payment may be made under this  
13 part for a covered item furnished to an in-  
14 dividual living with a primary caregiver  
15 who assists the individual without mone-  
16 tary compensation in the performance of  
17 any of the activities of daily living de-  
18 scribed in clause (ii), the Secretary shall  
19 consider the effect of a denial of payment  
20 on the health of the primary caregiver in  
21 the determination of whether the item is  
22 reasonable and necessary for the diagnosis  
23 or treatment of illness or injury or to im-  
24 prove the functioning of a malformed body  
25 member with respect to the individual.

1                   “(ii) ACTIVITIES OF DAILY LIVING DE-  
2                   SCRIBED.—The ‘activities of daily living’  
3                   referred to in clause (i) are as follows:

4                               “(I) Eating.

5                               “(II) Bathing.

6                               “(III) Dressing.

7                               “(IV) Toileting.

8                               “(V) Transferring in and out of  
9                   a bed or in and out of a chair.”.

10           (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply to items furnished on or after  
12 January 1, 1995.

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