

Thurs 7/30  
1:38 pm  
B

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3200  
OFFERED BY MS. MATSUI OF CALIFORNIA AND  
MR. GENE GREEN OF TEXAS**

In part 3 of subtitle B of title I of division B, add  
at the end the following new section:

1 **SEC. 1149A. EXCLUSION OF CUSTOMARY PROMPT PAY DIS-**  
2 **COUNTS EXTENDED TO WHOLESALERS FROM**  
3 **MANUFACTURER'S AVERAGE SALES PRICE**  
4 **FOR PAYMENTS FOR DRUGS AND**  
5 **BIOLOGICALS UNDER MEDICARE PART B.**

6 Section 1847A(c)(3) of the Social Security Act (42  
7 U.S.C. 1395w-3a(e)(3)) is amended—

8 (1) in the first sentence, by inserting after  
9 “prompt pay discounts” the following: “(other than,  
10 for drugs and biologicals that are sold on or after  
11 January 1, 2011, and before January 1, 2016, cus-  
12 tomary prompt pay discounts extended to whole-  
13 salers, but only to the extent such discounts do not  
14 exceed 2 percent of the wholesale acquisition cost)”;  
15 and

16 (2) in the second sentence, by inserting after  
17 “other price concessions” the following: “(other

1 than, for drugs and biologicals that are sold on or  
2 after January 1, 2011, and before January 1, 2016,  
3 customary prompt pay discounts extended to whole-  
4 salers, but only to the extent such discounts do not  
5 exceed 2 percent of the wholesale acquisition cost)".

Add at the end of section 1148 the following new  
subsection:

6 (e) PAYMENT ADJUSTMENT.—Section  
7 1834(a)(14)(K) of such Act (42 U.S.C.  
8 1395m(a)(14)(K)), as amended by section 1131(e), is  
9 amended by inserting before the semicolon at the end the  
10 following: “, -0.5 percent”.

Add at the end of subtitle D of title VII of division  
B the following:

11 **SEC. 1734. ADULT DAY HEALTH CARE SERVICES.**

12 (a) IN GENERAL.—The Secretary of Health and  
13 Human Services shall not—

14 (1) withhold, suspend, disallow, or otherwise  
15 deny Federal financial participation under section  
16 1903(a) of the Social Security Act (42 U.S.C.  
17 1396b(a)) for the provision of adult day health care  
18 services, day activity and health services, or adult  
19 medical day care services, as defined under a State  
20 Medicaid plan approved during or before 1994, dur-

1       ing such period if such services are provided con-  
2       sistent with such definition and the requirements of  
3       such plan; or

4               (2) withdraw Federal approval of any such  
5       State plan or part thereof regarding the provision of  
6       such services (by regulation or otherwise).

7       (b) EFFECTIVE DATE.—Subsection (a) shall apply  
8       with respect to services provided on or after October 1,  
9       2008.



