116TH CONGRESS 1ST SESSION H.R. 3029

To amend title XVIII of the Social Security Act to provide transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2019

Mr. OLSON (for himself, Ms. BARRAGÁN, Mr. MARCHANT, and Mr. LEWIS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.
 - 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 "Improving Low-Income
- 5 Access to Prescription Drugs Act of 2019".

1	SEC. 2. TRANSITIONAL COVERAGE AND RETROACTIVE
2	MEDICARE PART D COVERAGE FOR CERTAIN
3	LOW-INCOME BENEFICIARIES.
4	Section 1860D–14 of the Social Security Act (42)
5	U.S.C. 1395w–114) is amended—
6	(1) by redesignating subsection (e) as sub-
7	section (f); and
8	(2) by adding after subsection (d) the following
9	new subsection:
10	"(e) Limited Income Newly Eligible Transi-
11	TION PROGRAM.—
12	"(1) IN GENERAL.—The Secretary shall carry
13	out a program to provide transitional coverage for
14	covered part D drugs for LI NET eligible individ-
15	uals in accordance with this subsection.
16	"(2) LI NET ELIGIBLE INDIVIDUAL DEFINED.—
17	For purposes of this subsection, the term 'LI NET
18	eligible individual' means a part D eligible individual
19	who—
20	"(A) is a subsidy eligible individual; and
21	"(B) has not yet enrolled in a prescription
22	drug plan or an MA–PD plan, or, who has so
23	enrolled, but with respect to whom coverage
24	under such plan has not yet taken effect.
25	"(3) TRANSITIONAL COVERAGE.—For purposes
26	of this subsection, the term 'transitional coverage'
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means with respect to an LI NET eligible individual—

"(A) immediate access to covered part D drugs at the point of sale during the period that begins on the first day of the month such individual is determined to be a subsidy eligible individual and ends on the date that coverage under a prescription drug plan or MA–PD plan takes effect with respect to such individual; and

"(B) in the case of an LI NET eligible in-10 11 dividual who is a full-benefit dual eligible indi-12 vidual (as defined in section 1935(c)(6)) or a 13 recipient of supplemental security income bene-14 fits under title XVI, retroactive coverage (in the 15 form of reimbursement of the amounts that 16 would have been paid under this part had such 17 individual been enrolled in a prescription drug 18 plan or MA–PD plan) of covered part D drugs 19 purchased by such individual during the period 20 that begins on the date that is the later of— "(i) the date that such individual was 21

first eligible for a low-income subsidy under this part; or

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1	"(ii) the date that is 36 months prior
2	to the date such individual enrolls in a pre-
3	scription drug plan or MA–PD plan,
4	and ends on the date that coverage under such
5	plan takes effect.
6	"(4) Program administration.—
7	"(A) SINGLE POINT OF CONTACT.—The
8	Secretary shall, to the extent feasible, admin-
9	ister the program under this subsection through
10	a contract with a single program administrator.
11	"(B) BENEFIT DESIGN.—The Secretary
12	shall ensure that the transitional coverage pro-
13	vided to LI NET eligible individuals under this
14	subsection—
15	"(i) provides access to all covered part
16	D drugs under an open formulary;
17	"(ii) permits all pharmacies deter-
18	mined by the Secretary to be in good
19	standing to process claims under the pro-
20	gram;
21	"(iii) is consistent with such require-
22	ments as the Secretary considers necessary
23	to improve patient safety and ensure ap-
24	propriate dispensing of medication; and

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1	"(iv) meets such other requirements
2	as the Secretary may establish.
3	"(5) Relationship to other provisions of
4	THIS TITLE; WAIVER AUTHORITY.—
5	"(A) IN GENERAL.—The following provi-
6	sions shall not apply with respect to the pro-
7	gram under this subsection:
8	"(i) Paragraphs (1) and (3)(B) of sec-
9	tion $1860D-4(a)$ (relating to dissemination
10	of general information; availability of infor-
11	mation on changes in formulary through
12	the internet).
13	"(ii) Subparagraphs (A) and (B) of
14	section $1860D-4(b)(3)$ (relating to require-
15	ments on development and application of
16	formularies; formulary development).
17	"(iii) Paragraphs $(1)(C)$ and (2) of
18	section $1860D-4(c)$ (relating to medication
19	therapy management program).
20	"(B) WAIVER AUTHORITY.—The Secretary
21	may waive such other requirements of titles XI
22	and this title as may be necessary to carry out
23	the purposes of the program established under
24	this subsection.".
	the purposes of the program established under

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