

116TH CONGRESS
1ST SESSION

H. R. 3408

To amend title XVIII of the Social Security Act to require prescription drug plan sponsors to include real-time benefit information as part of such sponsor's electronic prescription program under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mr. ARRINGTON (for himself and Mr. OLSON) 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 require prescription drug plan sponsors to include real-time benefit information as part of such sponsor's electronic prescription program under 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shop Rx Act of 2019”.

1 **SEC. 2. REQUIRING PRESCRIPTION DRUG PLAN SPONSORS**
2 **TO INCLUDE REAL-TIME BENEFIT INFORMA-**
3 **TION AS PART OF SUCH SPONSOR'S ELEC-**
4 **TRONIC PRESCRIPTION PROGRAM UNDER**
5 **THE MEDICARE PROGRAM.**

6 Section 1860D–4(e)(2) of the Social Security Act (42
7 U.S.C. 1395w–104(e)(2)) is amended—

8 (1) in subparagraph (D), by striking “To the
9 extent” and inserting “Except as provided in sub-
10 paragraph (F), to the extent”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(F) REAL-TIME BENEFIT INFORMA-
14 TION.—

15 “(i) IN GENERAL.—Not later than
16 January 1, 2021, the program shall pro-
17 vide for the real-time electronic trans-
18 mission to prescribing health care profes-
19 sionals, using technology capable of inte-
20 grating with such professionals’ electronic
21 prescribing and electronic health record
22 systems, of individual-specific formulary
23 and benefit information under a prescrip-
24 tion drug plan with respect to an indi-
25 vidual enrolled in such plan. Such informa-
26 tion shall include, with respect to the pre-

1 scribing of a covered part D drug to such
2 individual, the following:

3 “(I) A description of any clini-
4 cally appropriate alternatives to such
5 drug included in the formulary of
6 such plan.

7 “(II) Information relating to ap-
8 plicable cost-sharing requirements for
9 such drug and such alternatives, in-
10 cluding a description of any variance
11 in such requirements based on the
12 pharmacy dispensing such drug or
13 such alternatives.

14 “(III) Information relating to
15 any prior authorization or other utili-
16 zation management requirements ap-
17 plicable to such drug and such alter-
18 natives within the formulary of such
19 plan.

20 “(ii) SPECIAL RULE FOR 2021.—The
21 program shall be deemed to be in compli-
22 ance with clause (i) for 2021 if the pro-
23 gram complies with the provisions of sec-
24 tion 423.160(b)(7) of title 42, Code of

1 Federal Regulations (or a successor regula-
2 tion), for such year.”.

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