

115TH CONGRESS
1ST SESSION

S. 1044

To amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2017

Mrs. CAPITO (for herself, Mr. BROWN, Mr. COTTON, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.

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 “Ensuring Seniors Ac-
5 cess to Local Pharmacies Act of 2017”.

1 **SEC. 2. ALLOWING ANY STATE BOARD CERTIFIED PHAR-**
 2 **MACY SERVING AN UNDERSERVED AREA TO**
 3 **BECOME A NETWORK PHARMACY UNDER**
 4 **MEDICARE PRESCRIPTION DRUG COVERAGE.**

5 (a) IN GENERAL.—Section 1860D–4(b)(1)(B) of the
 6 Social Security Act (42 U.S.C. 1395w–104(b)(1)(B)) is
 7 amended—

8 (1) by striking “DISCOUNTS ALLOWED FOR
 9 NETWORK PHARMACIES.—For” and inserting the
 10 following: “DISCOUNTS ALLOWED FOR NETWORK
 11 PHARMACIES.—

12 “(i) IN GENERAL.—For”; and

13 (2) by adding at the end the following new
 14 clause:

15 “(ii) INCLUSION OF PHARMACIES LO-
 16 CATED IN UNDERSERVED AREAS IN NET-
 17 WORKS.—In the case of a prescription
 18 drug plan that has, in its network of phar-
 19 macies, one or more pharmacies located in
 20 a health professional shortage area (as de-
 21 fined in section 332(a)(1)(A) of the Public
 22 Health Service Act), in a medically under-
 23 served area (according to a designation
 24 under section 330(b)(3)(A) of the Public
 25 Health Service Act), or among a medically
 26 underserved population (as defined in such

1 section 330(b)(3)(A) of such Act), and
2 that provides a reduction in coinsurance or
3 copayments described in clause (i) for cov-
4 ered part D drugs dispensed through such
5 pharmacies, such plan shall extend to any
6 pharmacy located in such area or among
7 such population the option to be an in-net-
8 work pharmacy with respect to such plan
9 under terms and conditions (including the
10 reductions described in clause (i)) com-
11 parable to those the plan has agreed upon
12 with other in-network pharmacies located
13 in such area or among such population.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to plan years beginning on or after
16 January 1, 2018.

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