

## 115TH CONGRESS 2D SESSION

## S. 2908

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

May 22, 2018

Mr. Roberts (for himself, Mr. Carper, and Mr. Grassley) 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 provide for electronic prior authorization under Medicare part D for covered part D drugs, 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. ELECTRONIC PRIOR AUTHORIZATION FOR COV-
- 4 ERED PART D DRUGS.
- 5 Section 1860D–4(e)(2) of the Social Security Act (42
- 6 U.S.C. 1395w–104(e)(2)) is amended by adding at the end
- 7 the following new subparagraph:
- 8 "(E) ELECTRONIC PRIOR AUTHORIZA-
- 9 TION.—

| 1  | "(i) In general.—Not later than            |
|----|--|
| 2  | January 1, 2021, the program shall pro-    |
| 3  | vide for the secure electronic transmittal |
| 4  | of—  |
| 5  | "(I) a prior authorization request         |
| 6  | from the prescribing health care pro-      |
| 7  | fessional for coverage of a covered        |
| 8  | part D drug for a part D eligible indi-    |
| 9  | vidual enrolled in a part D plan (as       |
| 10 | defined in section $1860D-23(a)(5)$ ) to   |
| 11 | the PDP sponsor or Medicare Advan-         |
| 12 | tage organization offering such plan;      |
| 13 | and  |
| 14 | "(II) a response, in accordance            |
| 15 | with this subparagraph, from such          |
| 16 | PDP sponsor or Medicare Advantage          |
| 17 | organization, respectively, to such pro-   |
| 18 | fessional.                                 |
| 19 | "(ii) Electronic transmission.—            |
| 20 | "(I) Exclusions.—For purposes              |
| 21 | of this subparagraph, a facsimile, pro-    |
| 22 | prietary payer portal that meets such      |
| 23 | standards as specified by the Sec-         |
| 24 | retary, or electronic form shall not be    |

| 1  | treated as an electronic transmission |
|----|---------------------------------------|
| 2  | described in clause (i).              |
| 3  | "(II) STANDARDS.—In order to          |
| 4  | be treated, for purposes of this sub- |
| 5  | paragraph, as an electronic trans-    |
| 6  | mission described in clause (i), such |
| 7  | transmission shall comply with tech-  |
| 8  | nical standards adopted by the Sec-   |
| 9  | retary in consultation with the Na-   |
| 10 | tional Council for Prescription Drug  |
| 11 | Programs, other standard setting or-  |
| 12 | ganizations determined appropriate by |
| 13 | the Secretary, and stakeholders in-   |
| 14 | cluding PDP sponsors, Medicare Ad-    |
| 15 | vantage organizations, health care    |
| 16 | professionals, and health information |
| 17 | technology software vendors.".        |