

108TH CONGRESS
1ST SESSION

H. R. 2874

To amend title 38, United States Code, to provide improved prescription drug benefits for veterans.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Ms. HOOLEY of Oregon introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide improved prescription drug benefits for veterans.

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 Access to
5 Prescription Drug Benefits for Veterans Act of 2003”.

6 **SEC. 2. PRESCRIPTION DRUG BENEFIT FOR VETERANS.**

7 (a) IN GENERAL.—(1) Chapter 17 of title 38, United
8 States Code, is amended by inserting after section 1722A
9 the following new section:

1 **“§ 1722B. Prescription drug benefit**

2 “(a) BENEFIT.—The Secretary shall establish a pre-
3 scription drug benefit program in accordance with this
4 section. Under the program, the Secretary shall furnish
5 to veterans described in subsection (b) drugs and medi-
6 cines ordered on prescription of a duly licensed physician
7 or other authorized health care professional who is not an
8 employee of the Department, subject to the payment of
9 any applicable premium and copayment under this section.

10 “(b) VETERANS ELIGIBLE FOR BENEFIT.—A veteran
11 is eligible to participate in the prescription drug benefit
12 program under this section if the veteran—

13 “(1) is enrolled in the Department health care
14 system under section 1705 of this title;

15 “(2) seeks an initial appointment with a physi-
16 cian or other health-care provider of the Department
17 to obtain a prescription for drugs or medicines; and

18 “(3) either—

19 “(A) is informed that such an appointment
20 may be made only for a date that is more than
21 30 days after the date on which the veteran
22 makes the contact seeking the appointment; or

23 “(B) otherwise, through no responsibility
24 of the veteran, does not actually have such an
25 appointment within 30 days of the date on

1 which the veteran makes the contact seeking
2 the appointment.

3 “(c) ANNUAL PREMIUM AND COPAYMENTS.—(1) The
4 Secretary shall by regulation establish an annual premium
5 amount that must be paid to the United States by a vet-
6 eran for drugs and medicines furnished under this section
7 each year before such drugs and medicines are furnished
8 to that veteran at the expense of the United States that
9 year.

10 “(2) The Secretary shall by regulation establish an
11 amount (known as a ‘copayment’) that must be paid to
12 the United States by a veteran for each 30-day supply of
13 drugs and medicines furnished under this section. If the
14 quantity of such drugs and medicines furnished is less
15 than a 30-day supply, the amount of the copayment
16 charge may not be reduced.

17 “(3) The Secretary may establish different copay-
18 ment amounts for prescriptions depending on—

19 “(A) whether they are filled under a generic
20 drug name or by brand name;

21 “(B) whether or not they are available by mail;
22 and

23 “(C) whether or not they are on the Depart-
24 ment’s National Prescription Drug Formulary.

1 “(4) The amount of the copayment charged for any
2 particular prescription—

3 “(A) may not be less than the amount in effect
4 under section 1722A of this title for the copayment
5 for medications furnished by the Department on pre-
6 scription of Department health-care professionals;
7 and

8 “(B) subject to subparagraph (A), may not ex-
9 ceed the cost to the Secretary of furnishing the
10 drugs or medicine.

11 “(d) DISPOSITION OF RECEIPTS.—Any amount re-
12 ceived under subsection (c) shall be deposited in the De-
13 partment of Veterans Affairs Medical Care Collections
14 Fund.

15 “(e) NONLIABILITY.—A health care professional may
16 not be considered to be an agent or employee of the United
17 States by reason of a prescription of that health care pro-
18 fessional being furnished by the Secretary under this sec-
19 tion.

20 “(f) INFORMATION RESOURCES.—(1) The Secretary
21 shall maintain records of the costs of the program under
22 this section.

23 “(2) Not later than six years after the date of the
24 enactment of this section, the Secretary shall implement
25 a computerized patient profile system for participants in

1 the prescription drug benefit program under this section.
2 The patient profile system shall have the capability, for
3 each participant in the program, of identifying—

4 “(A) known drug interactions;

5 “(B) contraindicated drugs;

6 “(C) available ‘best value’ treatment alter-
7 natives for prescribed medications; and

8 “(D) patient safety issues.

9 “(g) ANNUAL REPORT TO CONGRESS.—The Sec-
10 retary shall submit to Congress an annual report on the
11 operation of this section for each of the first five years
12 this section is in effect. Each such report shall include the
13 following:

14 “(1) The number of participants in the pro-
15 gram during the year covered by the report and, of
16 that number, the number who were new enrollees
17 during that year.

18 “(2) The cost to the Department of the pro-
19 gram under this section during the year covered by
20 the report.

21 “(3) The amount of resources added during the
22 year covered by the report to accommodate increased
23 workloads by reason of this section.

24 “(h) REGULATIONS.—The Secretary shall prescribe
25 regulations to carry out this section.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by inserting after the item relating
3 to section 1722A the following new item:

“1722B. Prescription drug benefit.”.

4 (b) EFFECTIVE DATE.—Section 1722B of title 38,
5 United States Code, as added by subsection (a), shall take
6 effect on the first day of the first month beginning more
7 than six months after the date of the enactment of this
8 Act.

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