

110TH CONGRESS
2D SESSION

H. R. 6684

To amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs and to limit to 25 percent the Medicare cost-sharing for specialty tier drugs.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. ELLSWORTH 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 part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs and to limit to 25 percent the Medicare cost-sharing for specialty tier drugs.

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 “Medicare Prescription
5 Drug Cost Equalization Act”.

1 **SEC. 2. APPLICATION OF EXCEPTIONS PROCEDURES FOR**
2 **PRESCRIPTION DRUG PLAN TIERED COST-**
3 **SHARING STRUCTURE TO SPECIALTY TIERS.**

4 (a) IN GENERAL.—Section 1860D–4(g)(2) of the So-
5 cial Security Act (42 U.S.C. 1395w–104(g)(2)) is amend-
6 ed by adding at the end the following new sentence: “The
7 exceptions process under this paragraph shall apply to
8 drugs included in a tier of a formulary solely for very high
9 cost and unique items (commonly referred to as a specialty
10 tier) in the same manner as such process applies to any
11 other drugs.”.

12 (b) EFFECTIVE DATE.—The provisions of this sec-
13 tion shall apply to PDP sponsors and MA organizations
14 for plan years beginning on or after the date of the enact-
15 ment of this Act.

16 **SEC. 3. LIMITING TO 25 PERCENT THE MEDICARE COST-**
17 **SHARING FOR SPECIALTY TIER DRUGS.**

18 (a) IN GENERAL.—Section 1860D–2(b)(2)(B) of the
19 Social Security Act (42 U.S.C. 1395w–102(b)(2)(B)) is
20 amended by inserting before the period the following: “and
21 so long as the tiered copayment for a tier solely for very
22 high cost and unique items (commonly referred to as a
23 specialty tier) does not exceed 25 percent”.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply with respect to plan years begin-
3 ning on or after the date of the enactment of this Act.

○