

114TH CONGRESS
1ST SESSION

H. R. 4062

To amend title XVIII of the Social Security Act to remove the enrollment restriction on certain physicians and practitioners prescribing covered outpatient drugs under the Medicare prescription drug program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2015

Mr. MARCHANT (for himself, Mr. BLUMENAUER, Mrs. BLACK, Mr. NUNES, and Mr. THOMPSON of California) 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 remove the enrollment restriction on certain physicians and practitioners prescribing covered outpatient drugs under the Medicare prescription drug 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 “Protecting Seniors Ac-
5 cess to Proper Care Act of 2015”.

1 **SEC. 2. REMOVING DUPLICATIVE PAPERWORK IN PERMIT-**
2 **TING CERTAIN NON-ENROLLED PHYSICIANS**
3 **OR PRACTITIONERS TO PRESCRIBE COVERED**
4 **OUTPATIENT DRUGS UNDER MEDICARE PART**
5 **D.**

6 Section 1860D–4 of the Social Security Act (42
7 U.S.C. 1395w–103) is amended by adding at the end the
8 following new subsection:

9 “(m) **REMOVAL OF ENROLLMENT RESTRICTION.**—
10 Nothing in this title or section 6405(e) of the Patient Pro-
11 tection and Affordable Care Act (42 U.S.C. 1395f note)
12 shall be construed as requiring, as a condition of payment
13 by a PDP sponsor for a covered part D drug prescribed
14 by an individual who is a physician or who is a practitioner
15 described in section 1842(b)(18)(C) and authorized under
16 State law to prescribe such drug, that the individual be
17 enrolled under section 1866(j) so long as—

18 “(1) the individual is not otherwise disqualified
19 from being so enrolled; and

20 “(2)(A) the individual is not a physician de-
21 scribed in section 1861(r)(1); or

22 “(B) the individual is such a physician and the
23 individual’s practice prescribes a low-volume (as de-
24 termined by the Secretary) of billings for such drugs
25 under this part.”.