

114TH CONGRESS
2D SESSION

S. 2864

To amend title XVIII of the Social Security Act to prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2016

Mr. WYDEN (for himself, Mr. CARDIN, Mr. BENNET, and Ms. CANTWELL) 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 prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

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 “Reducing Existing
5 Costs Associated with Pharmaceuticals for Seniors Act of
6 2016” or the “RxCAP Act of 2016”.

1 **SEC. 2. ELIMINATION OF COST-SHARING ABOVE THE MEDI-**
2 **CARE PART D ANNUAL OUT-OF-POCKET**
3 **THRESHOLD.**

4 (a) **IN GENERAL.**—Section 1860D–2(b)(4)(A) of the
5 Social Security Act (42 U.S.C. 1395w–102(b)(4)(A)) is
6 amended—

7 (1) in clause (i)—

8 (A) by redesignating subclauses (I) and
9 (II) as items (aa) and (bb), respectively;

10 (B) by striking “subparagraph (B), with
11 cost-sharing” and inserting the following: “sub-
12 paragraph (B)—

13 “(I) for plan years 2006 through
14 2017, with cost-sharing”;

15 (C) in item (bb), as redesignated by sub-
16 paragraph (A), by striking the period at the
17 end and inserting “; and”; and

18 (D) by adding at the end the following new
19 subclause:

20 “(II) for plan year 2018 and sub-
21 sequent plan years, without any cost-
22 sharing.”; and

23 (2) in clause (ii)—

24 (A) by striking “clause (i)(I)” and insert-
25 ing “clause (i)(I)(aa)”; and

1 (B) by adding at the end the following new
2 sentence: “The Secretary shall continue to cal-
3 culate the dollar amounts specified in clause
4 (i)(I)(aa), including with the adjustment under
5 this clause, after plan year 2017 for purposes
6 of 1860D–14(a)(1)(D)(iii).”.

7 (b) CONFORMING AMENDMENTS TO LOW-INCOME
8 SUBSIDY.—Section 1860D–14(a) of the Social Security
9 Act (42 U.S.C. 1395w–114(a)) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (D)(iii), by striking
12 “1860D–2(b)(4)(A)(i)(I)” and inserting
13 “1860D–2(b)(4)(A)(i)(I)(aa)”; and

14 (B) in subparagraph (E)—

15 (i) in the heading, by inserting
16 “PRIOR TO THE ELIMINATION OF SUCH
17 COST-SHARING FOR ALL INDIVIDUALS”
18 after “THRESHOLD”; and

19 (ii) by striking “The elimination” and
20 inserting “For plan years 2006 through
21 2017, the elimination”; and

22 (2) in paragraph (2)(E)—

23 (A) in the heading, by inserting “PRIOR TO
24 THE ELIMINATION OF SUCH COST-SHARING FOR
25 ALL INDIVIDUALS” after “THRESHOLD”;

1 (B) by striking “Subject to” and inserting
2 “For plan years 2006 through 2017, subject
3 to”; and

4 (C) by striking “1860D–2(b)(4)(A)(i)(I)”
5 and inserting “1860D–2(b)(4)(A)(i)(I)(aa)”.

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