

114TH CONGRESS  
1ST SESSION

# S. 648

To amend title XVIII of the Social Security Act to improve formulary requirements for prescription drug plans and MA–PD plans with respect to certain categories or classes of drugs.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 2015

Mr. GRASSLEY (for himself and Mr. BROWN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to improve formulary requirements for prescription drug plans and MA–PD plans with respect to certain categories or classes of 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 Formulary  
5       Improvement Act of 2015”.

1 **SEC. 2. IMPROVING FORMULARY REQUIREMENTS FOR PRE-**  
2 **SCRIPTION DRUG PLANS AND MA-PD PLANS**  
3 **WITH RESPECT TO CERTAIN CATEGORIES OR**  
4 **CLASSES OF DRUGS.**

5 (a) IN GENERAL.—Section 1860D–4(b)(3)(G) of the  
6 Social Security Act (42 U.S.C. 1395w–104(b)(3)(G)) is  
7 amended to read as follows:

8 “(G) REQUIRED INCLUSION OF DRUGS IN  
9 CERTAIN CATEGORIES AND CLASSES.—

10 “(i) FORMULARY REQUIREMENTS.—

11 “(I) IN GENERAL.—Subject to  
12 subclause (II), a PDP sponsor offer-  
13 ing a prescription drug plan shall be  
14 required to include all covered part D  
15 drugs in the categories and classes de-  
16 scribed in clause (iii).

17 “(II) EXCEPTIONS.—Subject to  
18 clause (ii), the Secretary may estab-  
19 lish exceptions that permit a PDP  
20 sponsor offering a prescription drug  
21 plan to exclude from its formulary a  
22 particular covered part D drug in a  
23 category or class that is otherwise re-  
24 quired to be included in the formulary  
25 under subclause (I) (or to otherwise  
26 limit access to such a drug, including

1 through prior authorization or utiliza-  
 2 tion management).

3 “(ii) IMPLEMENTATION.—The Sec-  
 4 retary shall establish any exceptions under  
 5 clause (i)(II) through the promulgation of  
 6 a regulation which includes a public notice  
 7 and comment period.

8 “(iii) REQUIREMENT FOR CERTAIN  
 9 CATEGORIES AND CLASSES.—The following  
 10 categories and classes of drugs are de-  
 11 scribed in this clause:

12 “(I) Anticonvulsants.

13 “(II) Antidepressants.

14 “(III) Antineoplastics.

15 “(IV) Antipsychotics.

16 “(V) Antiretrovirals.

17 “(VI) Immunosuppressants for  
 18 the treatment of transplant rejec-  
 19 tion.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
 21 subsection (a) shall apply to plan year 2015 and subse-  
 22 quent plan years.

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