

115TH CONGRESS
2D SESSION

S. 2908

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

Mr. ROBERTS (for himself, Mr. CARPER, and Mr. GRASSLEY) 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 provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

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. ELECTRONIC PRIOR AUTHORIZATION FOR COV-**
4 **ERED PART D DRUGS.**

5 Section 1860D–4(e)(2) of the Social Security Act (42
6 U.S.C. 1395w–104(e)(2)) is amended by adding at the end
7 the following new subparagraph:

8 “(E) ELECTRONIC PRIOR AUTHORIZA-
9 TION.—

1 “(i) IN GENERAL.—Not later than
2 January 1, 2021, the program shall pro-
3 vide for the secure electronic transmittal
4 of—

5 “(I) a prior authorization request
6 from the prescribing health care pro-
7 fessional for coverage of a covered
8 part D drug for a part D eligible indi-
9 vidual enrolled in a part D plan (as
10 defined in section 1860D–23(a)(5)) to
11 the PDP sponsor or Medicare Advan-
12 tage organization offering such plan;
13 and

14 “(II) a response, in accordance
15 with this subparagraph, from such
16 PDP sponsor or Medicare Advantage
17 organization, respectively, to such pro-
18 fessional.

19 “(ii) ELECTRONIC TRANSMISSION.—

20 “(I) EXCLUSIONS.—For purposes
21 of this subparagraph, a facsimile, pro-
22 prietary payer portal that meets such
23 standards as specified by the Sec-
24 retary, or electronic form shall not be

1 treated as an electronic transmission
2 described in clause (i).

3 “(II) STANDARDS.—In order to
4 be treated, for purposes of this sub-
5 paragraph, as an electronic trans-
6 mission described in clause (i), such
7 transmission shall comply with tech-
8 nical standards adopted by the Sec-
9 retary in consultation with the Na-
10 tional Council for Prescription Drug
11 Programs, other standard setting or-
12 ganizations determined appropriate by
13 the Secretary, and stakeholders in-
14 cluding PDP sponsors, Medicare Ad-
15 vantage organizations, health care
16 professionals, and health information
17 technology software vendors.”.

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