

116TH CONGRESS
1ST SESSION

H. R. 1781

AN ACT

To amend titles XVIII and XIX of the Social Security Act to provide the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission with access to certain drug payment information, including certain rebate information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Payment Commission
3 Data Act of 2019”.

4 **SEC. 2. PROVIDING THE MEDICARE PAYMENT ADVISORY**
5 **COMMISSION AND MEDICAID AND CHIP PAY-**
6 **MENT AND ACCESS COMMISSION WITH AC-**
7 **CESS TO CERTAIN DRUG PAYMENT INFORMA-**
8 **TION, INCLUDING CERTAIN REBATE INFOR-**
9 **MATION.**

10 (a) **ACCESS TO CERTAIN PART D PAYMENT DATA.—**
11 Section 1860D–15(f) of the Social Security Act (42
12 U.S.C. 1395w–115(f)) is amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (A)(ii), by striking
15 “and” at the end;

16 (B) in subparagraph (B), by striking the
17 period at the end and inserting “; and”; and

18 (C) by inserting at the end the following
19 new subparagraph:

20 “(C) by the Executive Director of the
21 Medicare Payment Advisory Commission for
22 purposes of monitoring, making recommenda-
23 tions, and analysis of the program under this
24 title and by the Executive Director of the Med-
25 icaid and CHIP Payment and Access Commis-
26 sion for purposes of monitoring, making rec-

1 ommendations, and analysis of the Medicaid
2 program established under title XIX and the
3 Children’s Health Insurance Program under
4 title XXI.”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(3) ADDITIONAL RESTRICTIONS ON DISCLO-
8 SURE OF INFORMATION.—The Executive Directors
9 described in paragraph (2)(C) shall not disclose any
10 of the following information disclosed to such Execu-
11 tive Directors or obtained by such Executive Direc-
12 tors pursuant to such paragraph, with respect to a
13 prescription drug plan offered by a PDP sponsor or
14 an MA–PD plan offered by an MA organization:

15 “(A) The specific amounts or the identity
16 of the source of any rebates, discounts, price
17 concessions, or other forms of direct or indirect
18 remuneration under such prescription drug plan
19 or such MA–PD plan.

20 “(B) Information submitted with the bid
21 submitted under section 1860D–11(b) by such
22 PDP sponsor or under section 1854(a) by such
23 MA organization.

24 “(C) In the case of such information from
25 prescription drug event records, in a form that

1 would not be permitted under section
2 423.505(m) of title 42, Code of Federal Regula-
3 tions, or any successor regulation, if made by
4 the Centers for Medicare & Medicaid Services.”.

5 (b) ACCESS TO CERTAIN REBATE AND PAYMENT
6 DATA UNDER MEDICARE AND MEDICAID.—Section
7 1927(b)(3)(D) of the Social Security Act (42 U.S.C.
8 1396r–8(b)(3)(D)) is amended—

9 (1) in the matter before clause (i), by striking
10 “subsection (a)(6)(A)(ii)” and inserting “subsection
11 (a)(6)(A)”;

12 (2) in clause (iv), by striking “and” at the end;

13 (3) in clause (v), by striking the period at the
14 end and inserting “, and”;

15 (4) by inserting after clause (v) the following
16 new clause:

17 “(vi) to permit the Executive Director
18 of the Medicare Payment Advisory Com-
19 mission and the Executive Director of the
20 Medicaid and CHIP Payment and Access
21 Commission to review the information pro-
22 vided.”;

23 (5) in the matter at the end, by striking
24 “1860D–4(c)(2)(E)” and inserting “1860D–
25 4(c)(2)(G)”;

1 (6) by adding at the end the following new sen-
2 tence: “Any information disclosed to the Executive
3 Director of the Medicare Payment Advisory Commis-
4 sion or the Executive Director of the Medicaid and
5 CHIP Payment and Access Commission pursuant to
6 this subparagraph shall not be disclosed by either
7 such Executive Director in a form which discloses
8 the identity of a specific manufacturer or wholesaler
9 or prices charged for drugs by such manufacturer or
10 wholesaler.”.

 Passed the House of Representatives October 28,
2019.

Attest:

Clerk.

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