

116TH CONGRESS
1ST SESSION

S. 1999

To amend title XVIII of the Social Security Act to provide transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mr. CASEY (for himself and Mr. DAINES) 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 transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.

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 “Improving Low Income
5 Access to Prescription Drugs Act of 2019”.

1 **SEC. 2. TRANSITIONAL COVERAGE AND RETROACTIVE**
 2 **MEDICARE PART D COVERAGE FOR CERTAIN**
 3 **LOW-INCOME BENEFICIARIES.**

4 Section 1860D–14 of the Social Security Act (42
 5 U.S.C. 1395w–114) is amended—

6 (1) by redesignating subsection (e) as sub-
 7 section (f); and

8 (2) by adding after subsection (d) the following
 9 new subsection:

10 “(e) LIMITED INCOME NEWLY ELIGIBLE TRANSI-
 11 TION PROGRAM.—

12 “(1) IN GENERAL.—Beginning not later than
 13 January 1, 2021, the Secretary shall carry out a
 14 program to provide transitional coverage for covered
 15 part D drugs for LI NET eligible individuals in ac-
 16 cordance with this subsection.

17 “(2) LI NET ELIGIBLE INDIVIDUAL DEFINED.—
 18 For purposes of this subsection, the term ‘LI NET
 19 eligible individual’ means a part D eligible individual
 20 who—

21 “(A) meets the requirements of clauses (ii)
 22 and (iii) of subsection (a)(3)(A); and

23 “(B) has not yet enrolled in a prescription
 24 drug plan or an MA–PD plan, or, who has so
 25 enrolled, but with respect to whom coverage
 26 under such plan has not yet taken effect.

1 “(3) TRANSITIONAL COVERAGE.—For purposes
2 of this subsection, the term ‘transitional coverage’
3 means with respect to an LI NET eligible indi-
4 vidual—

5 “(A) immediate access to covered part D
6 drugs at the point of sale during the period
7 that begins on the first day of the month such
8 individual is determined to meet the require-
9 ments of clauses (ii) and (iii) of subsection
10 (a)(3)(A) and ends on the date that coverage
11 under a prescription drug plan or MA–PD plan
12 takes effect with respect to such individual; and

13 “(B) in the case of an LI NET eligible in-
14 dividual who is a full-benefit dual eligible indi-
15 vidual (as defined in section 1935(c)(6)) or a
16 recipient of supplemental security income bene-
17 fits under title XVI, retroactive coverage (in the
18 form of reimbursement of the amounts that
19 would have been paid under this part had such
20 individual been enrolled in a prescription drug
21 plan or MA–PD plan) of covered part D drugs
22 purchased by such individual during the period
23 that begins on the date that is the later of—

1 “(i) the date that such individual was
 2 first eligible for a low-income subsidy
 3 under this part; or

4 “(ii) the date that is 36 months prior
 5 to the date such individual enrolls in a pre-
 6 scription drug plan or MA–PD plan,
 7 and ends on the date that coverage under such
 8 plan takes effect.

9 “(4) PROGRAM ADMINISTRATION.—

10 “(A) SINGLE POINT OF CONTACT.—The
 11 Secretary shall, to the extent feasible, admin-
 12 ister the program under this subsection through
 13 a contract with a single program administrator.

14 “(B) BENEFIT DESIGN.—The Secretary
 15 shall ensure that the transitional coverage pro-
 16 vided to LI NET eligible individuals under this
 17 subsection—

18 “(i) provides access to all covered part
 19 D drugs under an open formulary;

20 “(ii) permits all pharmacies deter-
 21 mined by the Secretary to be in good
 22 standing to process claims under the pro-
 23 gram;

24 “(iii) is consistent with such require-
 25 ments as the Secretary considers necessary

1 to improve patient safety and ensure ap-
2 propriate dispensing of medication; and

3 “(iv) meets such other requirements
4 as the Secretary may establish.

5 “(5) RELATIONSHIP TO OTHER PROVISIONS OF
6 THIS TITLE; WAIVER AUTHORITY.—

7 “(A) IN GENERAL.—The following provi-
8 sions shall not apply with respect to the pro-
9 gram under this subsection:

10 “(i) Paragraphs (1) and (3)(B) of sec-
11 tion 1860D–4(a) (relating to dissemination
12 of general information; availability of infor-
13 mation on changes in formulary through
14 the internet).

15 “(ii) Subparagraphs (A) and (B) of
16 section 1860D–4(b)(3) (relating to require-
17 ments on development and application of
18 formularies; formulary development).

19 “(iii) Paragraphs (1)(C) and (2) of
20 section 1860D–4(c) (relating to medication
21 therapy management program).

22 “(B) WAIVER AUTHORITY.—The Secretary
23 may waive such other requirements of title XI
24 and this title as may be necessary to carry out

- 1 the purposes of the program established under
- 2 this subsection.”.

