

118TH CONGRESS
1ST SESSION

S. 1491

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2023

Mr. GRASSLEY (for himself, Mr. BROWN, Mr. LUJÁN, Mr. CASEY, and Mrs. HYDE-SMITH) 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 coverage under the Medicare program of pharmacist services.

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 “Pharmacy and Medi-
5 cally Underserved Areas Enhancement Act”.

6 **SEC. 2. MEDICARE COVERAGE OF PHARMACIST SERVICES.**

7 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
8 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

1 (1) in subparagraph (II), by striking “and” at
2 the end;

3 (2) in subparagraph (JJ), by inserting “and”
4 at the end; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(KK) pharmacist services furnished by a phar-
8 macist, as licensed by State law, individually or on
9 behalf of a pharmacy provider—

10 “(i) which the pharmacist is legally author-
11 ized to perform in the State in which the indi-
12 vidual performs such services;

13 “(ii) as would otherwise be covered under
14 this part if furnished by a physician, or as an
15 incident to a physician’s service; and

16 “(iii) in a setting located in a health pro-
17 fessional shortage area (as defined in section
18 332(a)(1)(A) of the Public Health Service Act),
19 medically underserved area, or medically under-
20 served population (as defined in section
21 330(b)(3) of such Act);”.

22 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
23 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

24 (1) by striking “and (HH)” and inserting
25 “(HH)”; and

1 (2) by inserting before the semicolon at the end
 2 the following: “, and (II) with respect to pharmacist
 3 services (as defined in section 1861(s)(2)(KK)), the
 4 amounts paid shall be equal to 80 percent of the
 5 lesser of the actual charge or 85 percent of the fee
 6 schedule amount provided under section 1848 if
 7 such services had been furnished by a physician”.

8 (c) EFFECTIVE DATE; PHARMACIST SPECIFIC
 9 CODES.—

10 (1) EFFECTIVE DATE.—The amendments made
 11 by subsections (a) and (b) shall apply with respect
 12 to services furnished on or after January 1, 2024.

13 (2) PHARMACIST SPECIFIC CODES.—The Sec-
 14 retary of Health and Human Services shall develop
 15 pharmacist specific codes, as necessary, under the
 16 physician fee schedule under section 1848 of the So-
 17 cial Security Act (42 U.S.C. 1395w-4).

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