118th CONGRESS 1st Session



To amend title XVIII of the Social Security Act to provide pharmacy payment of certain services.

## IN THE SENATE OF THE UNITED STATES

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

## A BILL

To amend title XVIII of the Social Security Act to provide pharmacy payment of certain 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 "Equitable Community

5 Access to Pharmacist Services Act".

6 SEC. 2. COVERAGE OF PHARMACIST SERVICES UNDER
7 MEDICARE PART B.

8 (a) COVERAGE.—Section 1861(s) of the Social Secu-

9 rity Act (42 U.S.C. 1395x(s)) is amended—

10 (1) in paragraph (2)—

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(A) in subparagraph (II), by striking
"and" at the end;
(B) in subparagraph (JJ), by inserting
"and" after the semicolon at the end; and
(C) by adding at the end the following new
subparagraph:
"(KK) pharmacist services and such services
and supplies furnished as an incident to the phar-
macist's service as would otherwise be covered under
part B if furnished by a physician or as an incident
to a physician's service that—
"(i) are furnished by a pharmacist—
"(I) as licensed under State law; or
"(II) pursuant to a Federal emer-
gency authority described under section
319F–3 or section 361 of the Public
Health Service Act, or other similar Fed-
eral law;
"(ii) would otherwise be covered under part
B if furnished by a physician; and
"(iii) are services—
"(I) for encounters for the evaluation
and management of patients for testing or
treatment for COVID-19, influenza, res-

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1	piratory syncytial virus, or streptococcal
2	pharyngitis; or
3	$((\mathbf{II})$ that address a public health
4	need related to a public health emergency
5	under section $319F-3$ or section $361$ of
6	the Public Health Service Act, or other
7	similar Federal law."; and
8	(2) in paragraph $(10)$ , in each of subpara-
9	graphs (A) and (B), by inserting ", including when
10	furnished by a pharmacist" before the semicolon in
11	each such subparagraph.
12	(b) PAYMENT.—Section 1833(a)(1) of the Social Se-
13	curity Act (42 U.S.C. 1395l(a)(1)) is amended—
14	(1) by striking "and (HH)" and inserting
15	"(HH)"; and
16	(2) by inserting before the semicolon at the end
17	the following: "and (II) with respect to pharmacist
18	services described in section $1861(s)(2)(KK)$ , the
19	amounts paid shall be equal to 80 percent of the
20	lesser of (i) the actual charge for the services or (ii)
21	85 percent (or 100 percent, in the case of such serv-
22	ices furnished pursuant to a Federal emergency au-
23	thority described in clause (i)(II) of such section) of
24	the amount determined under the payment basis
25	under section 1848 for such services.".

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(c) PROHIBITION ON BALANCE BILLING FOR PHAR MACIST SERVICES.—Section 1842(b)(18)(C) of the Social
 Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by
 adding at the end the following:

5 "(ix) A pharmacist.".

6 (d) RULE OF CONSTRUCTION.—Nothing in this sec-7 tion shall be construed to restrict the ability of pharmacies 8 and pharmacists to enroll and obtain reimbursement 9 under existing pathways under title XVIII of the Social 10 Security Act (42 U.S.C. 1395 et seq.) as of the date of 11 the enactment of this Act, including payment as mass 12 immunizers.

13 (e) IMPLEMENTATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of 14 15 Health and Human Services shall implement the provisions of, and the amendments made by, this section by 16 17 interim final rule, program instruction, or otherwise not later than the date that is 60 days after the date of the 18 enactment of this Act. 19