

117TH CONGRESS  
1ST SESSION

# H. R. 2855

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to add a new set of measures to the 5-star rating system under the Medicare Advantage program in order to encourage increased access to biosimilar biological products.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Mr. TONKO (for himself and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to add a new set of measures to the 5-star rating system under the Medicare Advantage program in order to encourage increased access to biosimilar biological products.

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 “Star Rating for  
5 Biosimilars Act”.

1 **SEC. 2. ADDITION OF NEW MEASURES BASED ON ACCESS**  
2 **TO BIOSIMILAR BIOLOGICAL PRODUCTS TO**  
3 **THE 5-STAR RATING SYSTEM UNDER MEDI-**  
4 **CARE ADVANTAGE.**

5 (a) IN GENERAL.—Section 1853(o)(4) of the Social  
6 Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by  
7 adding at the end the following new subparagraph:

8 “(E) ADDITION OF NEW MEASURES BASED  
9 ON ACCESS TO BIOSIMILAR BIOLOGICAL PROD-  
10 UCTS.—

11 “(i) IN GENERAL.—For 2022 and  
12 subsequent years, the Secretary shall add a  
13 new set of measures to the 5-star rating  
14 system based on access to biosimilar bio-  
15 logical products covered under part B and,  
16 in the case of MA–PD plans, such prod-  
17 ucts that are covered part D drugs. Such  
18 measures shall assess the impact a plan’s  
19 benefit structure may have on enrollees’  
20 utilization of or ability to access biosimilar  
21 biological products, including in compari-  
22 son to the reference biological product, and  
23 shall include measures, as applicable, with  
24 respect to the following:

25 “(I) COVERAGE.—Assessing  
26 whether a biosimilar biological prod-

1                   uct is on the plan formulary in lieu of  
2                   or in addition to the reference biological  
3                   cal product.

4                   “(II) PREFERENCING.—Assessing  
5                   ing tier placement or cost sharing for  
6                   a biosimilar biological product relative  
7                   to the reference biological product.

8                   “(III) UTILIZATION MANAGEMENT TOOLS.—Assessing whether and  
9                   how utilization management tools are  
10                  used with respect to a biosimilar biological  
11                  product relative to the reference  
12                  biological product relative to the reference  
13                  biological product.

14                  “(IV) UTILIZATION.—Assessing  
15                  the percentage of enrollees prescribed  
16                  the biosimilar biological product when  
17                  the reference biological product is also  
18                  available.

19                  “(ii) DEFINITIONS.—In this subparagraph,  
20                  the terms ‘biosimilar biological  
21                  product’ and ‘reference biological product’  
22                  have the meaning given those terms in section  
23                  1847A(c)(6).

24                  “(iii) PROTECTING PATIENT INTERESTS.—In developing such measures, the  
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1 Secretary shall ensure that each measure  
2 developed to address coverage, preferenc-  
3 ing, or utilization management is con-  
4 structed such that patients retain equal ac-  
5 cess to appropriate therapeutic options  
6 without undue administrative burden.”.

7 (b) CLARIFICATION REGARDING APPLICATION TO  
8 PRESCRIPTION DRUG PLANS.—To the extent the Sec-  
9 retary of Health and Human Services applies the 5-star  
10 rating system under section 1853(o)(4) of the Social Secu-  
11 rity Act (42 U.S.C. 1395w–23(o)(4)), or a similar system,  
12 to prescription drug plans under part D of title XVIII of  
13 such Act, the provisions of subparagraph (E) of such sec-  
14 tion, as added by subsection (a) of this section, shall apply  
15 under the system with respect to such plans in the same  
16 manner as such provisions apply to the 5-star rating sys-  
17 tem under such section 1853(o)(4).

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