

107TH CONGRESS
2D SESSION

H. R. 5539

To amend title XVIII of the Social Security Act to provide for coverage of medication therapy management services, including disease specific management services, for certain high-risk patients under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2002

Mr. PICKERING 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

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of medication therapy management services, including disease specific management services, for certain high-risk patients under the Medicare Program.

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; PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Medicare Medication Therapy Management Services Cov-
6 erage Act of 2002”.

1 (b) PURPOSE.—The purpose of this Act is to provide
2 coverage of medication therapy management services
3 under the medicare program for beneficiaries at risk for
4 potential medication problems, such as beneficiaries tak-
5 ing multiple medications and beneficiaries with complex
6 or chronic medical conditions.

7 **SEC. 2. MEDICARE COVERAGE OF MEDICATION THERAPY**
8 **MANAGEMENT SERVICES FOR CERTAIN**
9 **HIGH-RISK PATIENTS.**

10 (a) IN GENERAL.—Section 1861 of the Social Secu-
11 rity Act (42 U.S.C. 1395x) is amended—

12 (1) in subsection (s)(2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (U);

15 (B) by adding “and” at the end of sub-
16 paragraph (V); and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(W) medication therapy management services
20 (as defined in subsection (ww)(1)(A)) for individuals
21 who are receiving medication for a condition and are
22 otherwise determined to be at high risk (as defined
23 by the Secretary), and including disease specific
24 management services for individuals who are receiv-
25 ing medication for the treatment of asthma or diabe-

1 tes, lipid reducing medication, anti-coagulation medi-
2 cation, or medication for such other chronic diseases
3 as the Secretary may specify.”;

4 (2) by adding at the end the following new sub-
5 section:

6 “Medication Therapy Management Services; Qualified

7 Pharmacist

8 “(ww)(1)(A) The term ‘medication therapy manage-
9 ment services’ means—

10 “(i) services or programs furnished by a qual-
11 fied pharmacist in an eligible State which are
12 designed—

13 “(I) to assure that medications are used
14 appropriately by individuals;

19 “(IV) to reduce the risk of potential ad-
20 verse events associated with medications; and

21 “(V) to reduce the need for other costly
22 medical services through better management of
23 medication therapy; and

24 “(ii) services provided by qualified pharmacists
25 in collaboration with physicians and other health

1 care professionals when necessary, involving case
2 management, disease management, patient training
3 and education, medication refill reminders, medica-
4 tion therapy problem resolution, laboratory testing
5 conducted to monitor medication therapy, other serv-
6 ices of qualified pharmacists that enhance the use of
7 prescription medications, and such other professional
8 services of qualified pharmacists, consistent with the
9 scope of the practice of pharmacy as defined by ap-
10 plicable State law or regulation.

11 “(B) The term ‘disease specific management services’
12 means medication therapy management services provided
13 to individuals who are receiving medication for the treat-
14 ment of asthma or diabetes, lipid reducing medication,
15 anti-coagulation medication, or medication for such other
16 chronic diseases as the Secretary may specify, only pursu-
17 ant to a protocol with the individual’s treating physician
18 under which the qualified pharmacist may initiate or mod-
19 ify the medication therapy, and carry out such additional
20 medication therapy management services as is provided
21 under State law or regulation, as permitted under the pro-
22 tocol.

23 “(C) Covered medication therapy management serv-
24 ices are covered under this title only if they are docu-
25 mented and shared with the appropriate physician and

1 other health care providers (as established under a report-
2 ing system developed by State Boards of Pharmacy).

3 “(2) The term ‘qualified pharmacist’ means an indi-
4 vidual who—

5 “(A) is a licensed pharmacist in good standing
6 with the State Board of Pharmacy;

7 “(B) with respect only to the provision of dis-
8 ease specific management services, is currently cer-
9 tified by a nationally recognized licensed certification
10 or credentialing program to furnish medication man-
11 agement therapy services for the diseases referred to
12 in paragraph (1)(B); and

13 “(C) has a separate, private consultation area
14 in which to provide covered.

15 “(3) The term ‘eligible State’ means a State that
16 meets such criteria as the Secretary may establish for the
17 licensing or credentialing of qualified pharmacists for the
18 provision of medication therapy management services in
19 the State, and shall include a State that is eligible for pay-
20 ments under title XIX for the provision of such services
21 under the State plan.”; and

22 (3) in subsection (aa)(6), by inserting “(or,
23 with respect to subsection (ww)(1)(B), a qualified
24 pharmacist)” after “nurse practitioner” and by in-
25 serting “(or pharmacist’s)” after “practitioner’s”.

1 (b) PAYMENT.—

2 (1) IN GENERAL.—Section 1833(a)(1) of such
3 Act (42 U.S.C. 1395l(a)(1)) is amended—

4 (A) in subsection (a)(1)—

5 (i) by striking “and” before “(U)”;
6 and7 (ii) by inserting before the semicolon
8 at the end the following: “, and (V) with
9 respect to covered medication therapy
10 management services (as defined in section
11 1861(ww)(1)), the amounts paid shall be
12 80 percent of the lesser of the actual
13 charge or the amounts specified under the
14 fee schedule developed under subsection
15 (p)”;
16 and17 (B) by inserting after subsection (o) the
18 following new subsection:19 “(p) With respect to medication therapy management
20 services (as defined in section 1861(ww)(1)), the Secretary
21 shall establish a fee schedule—22 “(1) under which payments are based on an en-
23 counter and increase in 15 minute increments; and24 “(2) in which, in order to be paid for a 15-
25 minute increment, the majority of the time be spent

1 by the qualified pharmacist in providing covered
2 services.”.

3 (2) APPLICATION OF BALANCE BILLING LIMITA-
4 TIONS.—Section 1842(b)(18)(C) of such Act (42
5 U.S.C. 1395u(b)(18)(C)) is amended by adding at
6 the end the following new clause:

7 “(vii) A qualified pharmacist (as defined in sec-
8 tion 1861(ww)(2)).”.

9 (3) REPORT TO CONGRESS.—Not later than 3
10 years after the date of the enactment of this Act, the
11 Secretary of Health and Human Services shall sub-
12 mit to Congress a report on fee schedule developed
13 under section 1834(p) of the Social Security Act (as
14 added by paragraph (1)) for covered medication
15 therapy management services under part B of the
16 medicare program.

17 (c) PROGRAM OPERATION.—

18 (1) DEVELOPMENT IN CONSULTATION WITH
19 PHARMACY ORGANIZATIONS.—The Secretary of
20 Health and Human Services shall carry out the
21 amendments made by this section in cooperation
22 with organizations representing qualified phar-
23 macists, including—

24 (A) identifying medication therapy man-
25 agement services that will be covered; and

1 (B) establishing payment mechanisms for
2 such services.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to services furnished on or after
11 January 1, 2004.

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