

109TH CONGRESS
1ST SESSION

H. R. 2648

To amend title XIX of the Social Security Act to require Medicaid drug utilization review programs to deny coverage of erectile dysfunction drugs for individuals registered (or required to be registered) as sex offenders.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. FOSSELLA (for himself, Mr. STEARNS, Mrs. MCCARTHY, Mr. WALDEN of Oregon, Mr. NEY, Mr. GOODE, Mr. KUHLMANN of New York, Mr. GIBBONS, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to require Medicaid drug utilization review programs to deny coverage of erectile dysfunction drugs for individuals registered (or required to be registered) as sex offenders.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIRING MEDICAID DRUG UTILIZATION RE-**
2 **VIEW PROGRAMS TO DENY COVERAGE OF**
3 **ERECTILE DYSFUNCTION DRUGS FOR INDI-**
4 **VIDUALS REGISTERED (OR REQUIRED TO BE**
5 **REGISTERED) AS SEX OFFENDERS.**

6 (a) IN GENERAL.—Section 1927(g)(2) of the Social
7 Security Act (42 U.S.C. 1396r-8(g)(2)) is amended by
8 adding at the end the following new subparagraph:

9 “(E) DENIAL OF COVERAGE OF ERECTILE
10 DYSFUNCTION DRUGS FOR INDIVIDUALS REG-
11 ISTERED (OR REQUIRED TO BE REGISTERED) AS
12 SEX OFFENDERS.—

13 “(i) IN GENERAL.—The program shall
14 provide for denying coverage for any erec-
15 tile dysfunction drug for any individual
16 who is registered (or a person required to
17 register) under section 170101 or 170102
18 of the Violent Crime Control and Law En-
19 forcement Act of 1994 (42 U.S.C. 14071,
20 14072).

21 “(ii) REPORT ON ENFORCEMENT.—
22 Not later than 6 months after the date of
23 the enactment of this subparagraph, each
24 State shall submit to the Secretary a re-
25 port on specific steps the State has taken

1 under its program to assure the denial of
2 coverage described in clause (i).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply to the denial of drugs
6 furnished on or after such date.

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