

109TH CONGRESS  
1ST SESSION

# H. R. 3956

To provide for a drug discount program for individuals without prescription drug coverage.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

Mr. KUHLMAN of New York 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 provide for a drug discount program for individuals without prescription drug coverage.

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 “Savings for the Unin-  
5 sured on Rx Expenses (SURE) Act of 2005”.

6 **SEC. 2. DRUG DISCOUNT CARD PROGRAM.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary of Health and  
9 Human Services shall establish a program under

1 this section to endorse prescription drug discount  
2 card programs that meet the requirements of this  
3 section in order to provide access to prescription  
4 drug discounts through prescription drug card spon-  
5 sors for eligible individuals throughout the United  
6 States. The program is modeled on the medicare  
7 prescription drug discount card program under sec-  
8 tion 1860D–31 of the Social Security Act, but with-  
9 out any transitional assistance program as described  
10 in subsection (g) of such section.

11 (2) DEADLINE.—The Secretary shall implement  
12 the program under this section so that discount  
13 cards are first available by not later than 6 months  
14 after the date of the enactment of this Act.

15 (3) VOLUNTARY NATURE OF PROGRAM.—Noth-  
16 ing in this section shall be construed as requiring an  
17 eligible individual to enroll in an endorsed discount  
18 card program under this section.

19 (4) ADMINISTRATION.—The Secretary shall  
20 provide for the establishment and administration of  
21 the program under this section through an office in  
22 the Department of Health and Human Services that  
23 is separate from the Centers for Medicare & Med-  
24 icaid Services. The Secretary may promulgate regu-  
25 lations to carry out this section.

1 (b) DEFINITIONS.—

2 (1) ELIGIBLE INDIVIDUAL.—For purposes of  
3 this section, the term “eligible individual” means  
4 any individual who—

5 (A) is a citizen or national of the United  
6 States or is an alien lawfully admitted to the  
7 United States for permanent residence or other-  
8 wise permanently residing in the United States  
9 under color of law;

10 (B) is not eligible for outpatient prescrip-  
11 tion drug coverage; and

12 (C) is not eligible to enroll for prescription  
13 drug coverage under part D of title XVIII of  
14 the Social Security Act.

15 (2) OUTPATIENT PRESCRIPTION DRUG COV-  
16 ERAGE.—For purposes of paragraph (1)(B), the  
17 term “outpatient prescription drug coverage” means  
18 coverage of prescription drugs on an outpatient basis  
19 under health insurance, a group health plan, or  
20 other form of health benefits coverage (such as  
21 under the Federal employees health benefits pro-  
22 gram, under the medicaid program or the State chil-  
23 dren’s health insurance program (SCHIP), under a  
24 program of the Indian Health Service (IHS), under  
25 a program of the Department of Veterans Affairs or

1 the Department of Defense). Such term does not in-  
2 clude coverage under a high deductible plan or bene-  
3 fits under a health savings account or flexible spend-  
4 ing account.

5 (3) COVERED DISCOUNT CARD DRUG.—For  
6 purposes of this section, the term “covered discount  
7 card drug” means at least those drugs that are cov-  
8 ered part D drugs under section 1860D–2(e) of the  
9 Social Security Act.

10 (c) ENROLLMENT AND ENROLLMENT FEES.—The  
11 provisions of subsection (e) of section 1860D–31 of the  
12 Social Security Act shall apply under this section in the  
13 same manner as they apply under such section, except  
14 that—

15 (1) the enrollment forms shall be such enroll-  
16 ment forms as may be established for purposes of  
17 carrying out this section;

18 (2) notwithstanding paragraph (1)(C)(ii) of  
19 such subsection, there shall be an annual open en-  
20 rollment process for eligible individuals;

21 (3) notwithstanding paragraph (2) of such sub-  
22 section, the annual enrollment fee shall not be pro-  
23 rated for any year and shall continue for each year  
24 in which the program is in operation under this sec-  
25 tion;

1           (4) there shall be no special provisions for tran-  
2           sitional assistance for eligible individuals; and

3           (5) the limitation on enrollment before January  
4           1, 2006, under paragraph (1)(A)(ii) of such sub-  
5           section shall not apply.

6           (d) PROVISION OF INFORMATION ON ENROLL-  
7           MENT.—The provisions of subsection (d) of such section  
8           shall apply under this section in the same manner as they  
9           apply under such section, except that—

10           (1) the information disseminated shall include  
11           information concerning the use of health savings ac-  
12           counts to cover the costs of prescription drugs for  
13           which discounts are provided under this section;

14           (2) there shall be a toll-free number, other than  
15           the medicare toll-free number, used to carry out  
16           paragraph (1)(D) of such subsection;

17           (3) any special provisions relating to transi-  
18           tional assistance for eligible individuals shall not  
19           apply; and

20           (4) the information disseminated does not need  
21           to include information on medicare options.

22           (e) DISCOUNT CARD AND ELIGIBILITY FEATURES;  
23           QUALIFICATION OF SPONSORS; ENDORSEMENT OF PRO-  
24           GRAMS; DISCLOSURE AND OVERSIGHT.—

1           (1) APPLICATION OF CERTAIN PROVISIONS.—

2           The provisions of subsections (e) (other than para-  
3           graph (1)(D)), (f), (h) (other than paragraph (9)),  
4           and (i) of such section shall apply under this section  
5           in the same manner as they apply under such sec-  
6           tion, except that no provision relating to transitional  
7           assistance for eligible individuals shall apply.

8           (2) REQUIREMENT FOR MARKETING PLANS.—

9           The Secretary shall require that sponsors of pre-  
10          scription drug discount card programs demonstrate  
11          that they have a marketing plan to reach out effec-  
12          tively to eligible individuals.

13          (3) ADDITIONAL INFORMATION.—In addition to  
14          the use of information described in subsection  
15          (f)(3)(B) of such section for verification of eligibility,  
16          the Secretary shall also use—

17                 (A) information on medicare eligibility; and

18                 (B) eligibility information made available  
19                 to the Secretary under arrangements between  
20                 the Secretary and the Secretaries of Veterans  
21                 Affairs and Defense in connection with pro-  
22                 grams of the Departments of Veterans Affairs  
23                 and Defense.

24          (f) MISCELLANEOUS PROVISIONS.—There shall be no  
25          judicial review of a determination not to endorse a pre-

- 1 prescription drug discount card program or not to enter into
- 2 a contract with a prescription drug card sponsor under
- 3 this section.

