109TH CONGRESS
2D SESSION

H. R. 4928

To amend part D of title XVIII of the Social Security Act to provide for counting expenses for nonformulary drugs against the Medicare annual out-of-pocket threshold for costs for covered part D drugs.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2006

Mr. ROSS (for himself, Mr. SCOTT of Virginia, Mr. DOYLE, and Mr. BERRY) 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 part D of title XVIII of the Social Security Act to provide for counting expenses for nonformulary drugs against the Medicare annual out-of-pocket threshold for costs for covered part D drugs.

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 "Medicare Doughnut

5 Hole Assistance Act of 2006".

SEC. 2. COUNTING EXPENSES FOR NONFORMULARY DRUGS AGAINST THE MEDICARE ANNUAL OUT-OF-POCKET THRESHOLD FOR COSTS FOR COVERED PART D DRUGS.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) (42 U.S.C. 1395w–102(b)) is amended by striking ", but does not include any costs incurred for covered part D drugs which are not included (or treated as being included) in the plan's formulary" and inserting ", and includes costs incurred for covered part D drugs regardless of whether the drugs are included (or treated as being included) in the plan's formulary".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be applied as if it were included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

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