

109TH CONGRESS
1ST SESSION

S. 764

To amend title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2005

Mr. CORZINE (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes.

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 “Preserving Access to
5 Affordable Drugs Act of 2005”.

1 **SEC. 2. STATE AS AUTHORIZED REPRESENTATIVE.**

2 (a) IN GENERAL.—Section 1860D–1(b)(1) of the So-
3 cial Security Act (42 U.S.C. 1395w–101(b)(1)) is amend-
4 ed by adding at the end the following new subparagraph:

5 “(D) STATE AS AUTHORIZED REPRESENT-
6 ATIVE.—A State Pharmaceutical Assistance
7 Program (as defined in section 1860D–23(b))
8 may, at the option of the State operating the
9 Program, act as the authorized representative
10 for any part D eligible individual residing in the
11 State who is enrolled in the Program or de-
12 scribed in section 1935(e)(6)(A)(ii) in order to
13 select one or more preferred prescription drug
14 plans to enroll such an individual, so long as
15 the individual is afforded the authority to de-
16 cline such enrollment. A Program that acts as
17 an authorized representative for an individual
18 pursuant to the preceding sentence shall not be
19 considered to have violated section 1860D–
20 23(b)(2) solely because of the enrollment of
21 such individual in a preferred prescription drug
22 plan.”.

23 (b) CONFORMING AMENDMENT TO ANTI-DISCRIMI-
24 NATION PROVISION.—Section 1860D–23(b)(2) of the So-
25 cial Security Act (42 U.S.C. 1395w–133(b)(2)) is amend-

1 ed by inserting “subject to 1860D–1(b)(1)(D),” after
2 “which,”.

3 **SEC. 3. FACILITATION OF COORDINATION.**

4 Section 1860D–24(c)(1) of the Social Security Act
5 (42 U.S.C. 1395w–134(c)(1)) is amended by striking “all
6 methods of operation” and inserting “its own methods of
7 operation, except that a PDP sponsor or MA organization
8 may not require a State Pharmaceutical Assistance Pro-
9 gram or an RX plan described in subsection (b) to apply
10 such tools when coordinating benefits”.

11 **SEC. 4. ALLOWING MEDICAID WRAP.**

12 Section 1935 of the Social Security Act (42 U.S.C.
13 1396u–5) is amended by striking subsection (d).

14 **SEC. 5. EFFECTIVE DATE.**

15 The amendments made by this Act shall take effect
16 as if included in the enactment of the Medicare Prescrip-
17 tion Drug, Improvement, and Modernization Act of 2003
18 (Public Law 108–173; 117 Stat. 2066).

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