

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3418

To amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2009

Mr. ELLSWORTH 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 apply the exceptions process for tiered formulary drugs to specialty tier 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 Prescription  
5       Drug Cost Equalization Act”.

1 **SEC. 2. APPLICATION OF EXCEPTIONS PROCEDURES FOR**  
2 **PRESCRIPTION DRUG PLAN TIERED COST-**  
3 **SHARING STRUCTURE TO SPECIALTY TIERS.**

4 (a) **IN GENERAL.**—Section 1860D–4(g)(2) of the So-  
5 cial Security Act (42 U.S.C. 1395w–104(g)(2)) is amend-  
6 ed by adding at the end the following new sentence: “The  
7 exceptions process under this paragraph shall apply to  
8 drugs included in a tier of a formulary solely for very high  
9 cost and unique items (commonly referred to as a specialty  
10 tier) in the same manner as such process applies to any  
11 other drugs.”.

12 (b) **EFFECTIVE DATE.**—The provisions of this sec-  
13 tion shall apply to PDP sponsors and MA organizations  
14 for plan years beginning on or after the date of the enact-  
15 ment of this Act.

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