

111TH CONGRESS
1ST 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.

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

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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