

113TH CONGRESS
1ST SESSION

S. 1493

To amend title XVIII of the Social Security Act to encourage the use of dispensing techniques that foster efficiency and reduce wasteful dispensing of outpatient prescription drugs in long-term care facilities.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2013

Mr. CARDIN (for himself and Ms. MIKULSKI) 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 encourage the use of dispensing techniques that foster efficiency and reduce wasteful dispensing of outpatient prescription drugs in long-term care facilities.

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 Efficient
5 Drug Dispensing Act of 2013”.

1 **SEC. 2. INCENTIVES FOR USE OF DISPENSING TECHNIQUES**
 2 **THAT FOSTER EFFICIENCY AND REDUCE**
 3 **WASTEFUL DISPENSING OF OUTPATIENT**
 4 **DRUGS IN LONG-TERM CARE FACILITIES.**

5 (a) IN GENERAL.—Section 1860D–4(c)(1) of the So-
 6 cial Security Act (42 U.S.C. 1395w–104(c)(1)) is amend-
 7 ed by adding at the end the following:

8 “(E) A payment structure that encourages
 9 the use of dispensing techniques that foster effi-
 10 ciency and reduce wasteful dispensing of out-
 11 patient prescription drugs in long-term care fa-
 12 cilities.”.

13 (b) PHARMACY FEES.—Section 1860D–4(c)(3) of the
 14 Social Security Act (42 U.S.C. 1395w–104(c)(3)) is
 15 amended—

16 (1) by striking “The Secretary shall” and in-
 17 serting the following:

18 “(A) IN GENERAL.—The Secretary shall”;
 19 and

20 (2) by adding at the end the following:

21 “(B) CONSIDERATION IN PHARMACY
 22 FEES.—The PDP sponsor of a prescription
 23 drug plan shall take into account in establishing
 24 dispensing fees for services provided in connec-
 25 tion with dispensing covered part D drugs to
 26 enrollees who reside in a long-term care facility,

1 the utilization of dispensing techniques to mini-
2 mize the dispensing of unused drugs, and the
3 incremental costs associated with the type of
4 dispensing methodology and the requirements
5 applicable to long-term care pharmacies under
6 the program under this part. Each such spon-
7 sor shall not use payment structures, including
8 prorated daily dispensing fees, that discourage
9 the adoption of techniques to minimize the dis-
10 pensing of unused drugs with respect to covered
11 part D drugs dispensed in long-term care facili-
12 ties. Each such sponsor shall disclose to the
13 Secretary upon request and in accordance with
14 the requirements of section 1860D–15(f) the
15 amount of any such dispensing fee.”.

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