

114TH CONGRESS  
1ST SESSION

# S. 1488

To amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D.

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 2015

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

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## A BILL

To amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D.

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 “Part D Beneficiary  
5 Appeals Fairness Act”.

1 **SEC. 2. FAIR EXCEPTIONS PROCESS FOR DRUG IN TIERS**  
2 **UNDER MEDICARE PART D.**

3 Section 1860D–4(g)(2) of the Social Security Act (42  
4 U.S.C. 1395w–104(g)(2)) is amended—

5 (1) in the first sentence—

6 (A) by striking “for tiered cost-sharing for  
7 drugs included within a formulary and” and in-  
8 serting “for any tiered cost-sharing structure  
9 within a formulary (including a structure that”;  
10 and

11 (B) by inserting “, or provides for different  
12 co-payment or coinsurance amounts for drugs  
13 in different tiers included within the for-  
14 mulary)” before “, a part D eligible individual”;

15 (2) in the second sentence, by inserting “in any  
16 plan formulary” before “could be covered”; and

17 (3) by inserting the following before the last  
18 sentence: “In no case may the Secretary allow a  
19 PDP sponsor to make any element of the tiered  
20 cost-sharing structure (including a tier used for very  
21 high cost or unique items) ineligible for lower-cost  
22 sharing through an exception under this para-  
23 graph.”.

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