

116TH CONGRESS
1ST SESSION

H. R. 1781

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2019

Received; read twice and referred to the Committee on Finance

AN ACT

To amend titles XVIII and XIX of the Social Security Act to provide the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission with access to certain drug payment information, including certain rebate information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Payment Commission
3 Data Act of 2019”.

4 **SEC. 2. PROVIDING THE MEDICARE PAYMENT ADVISORY**
5 **COMMISSION AND MEDICAID AND CHIP PAY-**
6 **MENT AND ACCESS COMMISSION WITH AC-**
7 **CESS TO CERTAIN DRUG PAYMENT INFORMA-**
8 **TION, INCLUDING CERTAIN REBATE INFOR-**
9 **MATION.**

10 (a) ACCESS TO CERTAIN PART D PAYMENT DATA.—
11 Section 1860D–15(f) of the Social Security Act (42
12 U.S.C. 1395w–115(f)) is amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (A)(ii), by striking
15 “and” at the end;

16 (B) in subparagraph (B), by striking the
17 period at the end and inserting “; and”; and

18 (C) by inserting at the end the following
19 new subparagraph:

20 “(C) by the Executive Director of the
21 Medicare Payment Advisory Commission for
22 purposes of monitoring, making recommenda-
23 tions, and analysis of the program under this
24 title and by the Executive Director of the Med-
25 icaid and CHIP Payment and Access Commis-
26 sion for purposes of monitoring, making rec-

ommendations, and analysis of the Medicaid program established under title XIX and the Children’s Health Insurance Program under title XXI.”; and

(2) by adding at the end the following new paragraph:

“(3) ADDITIONAL RESTRICTIONS ON DISCLOSURE OF INFORMATION.—The Executive Directors described in paragraph (2)(C) shall not disclose any of the following information disclosed to such Executive Directors or obtained by such Executive Directors pursuant to such paragraph, with respect to a prescription drug plan offered by a PDP sponsor or an MA–PD plan offered by an MA organization:

“(A) The specific amounts or the identity of the source of any rebates, discounts, price concessions, or other forms of direct or indirect remuneration under such prescription drug plan or such MA–PD plan.

“(B) Information submitted with the bid submitted under section 1860D–11(b) by such PDP sponsor or under section 1854(a) by such MA organization.

“(C) In the case of such information from prescription drug event records, in a form that

1 would not be permitted under section
2 423.505(m) of title 42, Code of Federal Regula-
3 tions, or any successor regulation, if made by
4 the Centers for Medicare & Medicaid Services.”.

5 (b) ACCESS TO CERTAIN REBATE AND PAYMENT
6 DATA UNDER MEDICARE AND MEDICAID.—Section
7 1927(b)(3)(D) of the Social Security Act (42 U.S.C.
8 1396r–8(b)(3)(D)) is amended—

9 (1) in the matter before clause (i), by striking
10 “subsection (a)(6)(A)(ii)” and inserting “subsection
11 (a)(6)(A)”;

12 (2) in clause (iv), by striking “and” at the end;

13 (3) in clause (v), by striking the period at the
14 end and inserting “, and”;

15 (4) by inserting after clause (v) the following
16 new clause:

17 “(vi) to permit the Executive Director
18 of the Medicare Payment Advisory Com-
19 mission and the Executive Director of the
20 Medicaid and CHIP Payment and Access
21 Commission to review the information pro-
22 vided.”;

23 (5) in the matter at the end, by striking
24 “1860D–4(c)(2)(E)” and inserting “1860D–
25 4(c)(2)(G)”;

Passed the House of Representatives October 28,
2019.

Attest: CHERYL L. JOHNSON,
Clerk.