

116TH CONGRESS
1ST SESSION

S. 2911

To amend title XVIII of the Social Security Act to provide a monthly out-of-pocket cost sharing maximum for enrollees who incur a significant portion of costs for covered part D drugs towards the annual out-of-pocket threshold during a month.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2019

Mr. CASSIDY (for himself and Mr. MENENDEZ) 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 provide a monthly out-of-pocket cost sharing maximum for enrollees who incur a significant portion of costs for covered part D drugs towards the annual out-of-pocket threshold during a month.

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 “Seniors Prescription
5 Drug Relief Act of 2019”.

1 **SEC. 2. MONTHLY OUT-OF-POCKET COST SHARING MAX-**
 2 **IMUM FOR ENROLLEES WHO INCUR A SIG-**
 3 **NIFICANT PORTION OF COSTS TOWARDS AN-**
 4 **NUAL OUT-OF-POCKET THRESHOLD.**

5 (a) STANDARD PRESCRIPTION DRUG COVERAGE.—
 6 Section 1860D–2(b)(2) of the Social Security Act (42
 7 U.S.C. 1395w–102(b)(2)) is amended—

8 (1) in subparagraph (A), by striking “and (D)”
 9 and inserting “, (D), and (E)”;

10 (2) in each of subparagraphs (C)(i) and (D)(i),
 11 by striking “paragraph (4)” and inserting “para-
 12 graph (4), and subject to subparagraph (E)”;

13 (3) by adding at the end the following new sub-
 14 paragraph:

15 “(E) MONTHLY OUT-OF-POCKET COST
 16 SHARING MAXIMUM.—

17 “(i) IN GENERAL.—For plan years be-
 18 ginning on or after January 1, 2022, the
 19 Secretary shall through regulation estab-
 20 lish a process to allow an enrollee in a pre-
 21 scription drug plan who incurs costs (as
 22 described in paragraph (4)(C)) equal to or
 23 greater than a significant percentage of
 24 the annual out-of-pocket threshold speci-
 25 fied in paragraph (4)(B) within a one
 26 month time period to choose to pay the

total amount of such costs owed, in equal installments in the remaining months of the plan year up to the total amount of such annual out-of-pocket threshold.

“(ii) DEFINITION OF SIGNIFICANT PERCENT.—For purposes of the process described in clause (i), the Secretary shall through regulation provide for a definition of the term ‘significant percentage’ with respect to a percentage of the annual out-of-pocket threshold specified in paragraph (4)(B) but in no case shall the ‘significant percentage’ be less than 50 percent or more than 100 percent of the annual out-of-pocket threshold.”.

(b) ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

“(4) SAME MONTHLY OUT-OF-POCKET COST SHARING MAXIMUM.—For plan years beginning on or after January 1, 2022, the coverage provides the monthly out-of-pocket cost sharing maximum required under subsection (b)(2)(E).”.