II

119TH CONGRESS
1ST SESSION

S. 3159

To amend title XVIII of the Social Security Act to temporarily provide for long-term care pharmacy supply fees in connection with the dispensing of certain drugs.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2025

Mr. LANKFORD (for himself and Mr. MULLIN) 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 temporarily provide for long-term care pharmacy supply fees in connection with the dispensing of certain drugs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Preserving Patient Access to Long-Term Care Pharmacies Act’’.

SEC. 2. LONG TERM CARE PHARMACY SUPPLY FEE.

(a) IN GENERAL.—Section 1860D–4(b)(1) of the Social Security Act (42 U.S.C. 1395w–104(b)(1)) is amended by adding at the end the following new subparagraph:

"(F) LONG-TERM CARE PHARMACY SUPPLY FEES.—

"(i) PLAN REIMBURSEMENT TO PHARMACY.—

"(I) IN GENERAL.—For plan years 2026 and 2027, for each specified prescription dispensed by a long-term care pharmacy to an enrollee during such plan year, each PDP sponsor of a prescription drug plan and each MA organization offering an MA–PD plan shall pay such pharmacy a supply fee in an amount equal to—

"(aa) for plan year 2026, $30; and

"(bb) for plan year 2027, the amount of the supply fee for the prior plan year, increased by the annual percentage increase described in section 1860D–2(b)(6).

"(II) CLARIFICATION.—The supply fee under this subparagraph shall be paid at the same time and in addition to any other pharmacy reimbursements, including ingredient costs, dispensing fees, or other payments negotiated between the PDP sponsor or MA organization and the long-term care pharmacy, and shall not result in a reduction to such other reimbursements.

"(ii) ENFORCEMENT.—

"(I) CIVIL MONEY PENALTY.—The Secretary shall impose a civil money penalty on each PDP sponsor of a prescription drug plan and MA organization offering an MA–PD plan that fails to pay a supply fee for a specified prescription dispensed to an enrollee in accordance with this subparagraph for each such failure in an amount of not less than $10,000.

"(II) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(iii) DEFINITIONS.—In this subparagraph:

"(I) APPLICABLE MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'applicable maximum fair price eligible individual' means, with respect to a specified prescription, a maximum fair price eligible individual who, with respect to such prescription, is described in section 1191(c)(2)(A).

"(II) LONG-TERM CARE PHARMACY.—The term 'long-term care pharmacy' means a pharmacy with a national provider identifier associated with taxonomy code 3336L0003X (or a successor code), as maintained by the National Uniform Claim Committee.

"(III) MAXIMUM FAIR PRICE.—The term 'maximum fair price' has the meaning given such term in section 1191(c)(3).

"(IV) MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'maximum fair price eligible individual' has the meaning given such term in section 1191(c)(2).

"(V) SPECIFIED PRESCRIPTION.—The term 'specified prescription' means a covered part D drug dispensed by a long-term care pharmacy to an applicable maximum fair price eligible individual at the maximum fair price pursuant to section 1193(a)(3)(A).".

(b) REPAYMENT OF LONG-TERM PHARMACY SUPPLY FEES.—Section 1860D–15 of the Social Security Act (42 U.S.C. 1395w–115) is amended by adding at the end the following new subsection:

"(i) REPAYMENT OF LONG-TERM PHARMACY SUPPLY FEES.—

"(1) IN GENERAL.—In addition to amounts otherwise payable under this section to a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan, for plan years 2026 and 2027, the Secretary shall provide the PDP sponsor or MA organization offering the plan subsidies in an amount equal to the aggregate amount of supply fees paid by such sponsor or organization to long-term care pharmacies pursuant to section 1860D–4(b)(1)(F) during the plan year.

"(2) TIMING.—The Secretary shall provide a subsidy under paragraph (1), as applicable, not later than 18 months following the end of the applicable plan year.".

(c) GAO STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Comptroller General of the United States shall complete a study and submit to Congress a report on the economic sustainability of the participation of long-term care pharmacies in the Medicare prescription drug program. Such report shall include—

(A) an analysis of—

(i) payment to long-term care pharmacies under the Medicare prescription drug program with respect to—

(I) ingredient costs—

(aa) for brand-name drugs; and

(bb) for generic drugs; and

(II) dispensing fees;

(ii) the costs to long-term care pharmacies of compliance with the performance and service criteria for network long-term care pharmacies, as described in the Medicare Prescription Drug Benefit Manual; and

(iii) changes to payment to long-term care pharmacies under the Medicare prescription drug program during the 5-year period preceding the date of enactment of this section; and

(B) recommendations on steps that Congress and the Secretary of Health and Human Services should consider for purposes of creating a sustainable payment system under the Medicare prescription drug program for long-term care pharmacies that would ensure that Medicare beneficiaries with long-term care needs have uninterrupted access to long-term care pharmacy services in all markets, particularly rural markets.

(2) DEFINITIONS.—In this subsection:

(A) LONG-TERM CARE PHARMACY.—The term ''long-term care pharmacy'' has the meaning given such term in subparagraph (F)(iii)(II) of section 1860D–4(b)(1) of the Social Security

Act (42 U.S.C. 1395w–104(b)(1)), as added by subsection (a).

(B) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title (42 U.S.C. 1395j et seq.).

(C) MEDICARE PRESCRIPTION DRUG PROGRAM.—The term ''Medicare prescription drug program'' means the program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

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