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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to provide pharmacy reimbursement for COVID-19 related and future emergency services.

IN THE HOUSE OF REPRESENTATIVES

Mr. KIND introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XVIII of the Social Security Act to provide pharmacy reimbursement for COVID-19 related and future emergency services.

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 “Equitable Community
5 Access to Pharmacist Services Act”.

1 **SEC. 2. COVERAGE OF PHARMACIST SERVICES UNDER**
2 **MEDICARE PART B.**

3 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
4 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) in subparagraph (GG), by striking “and” at
6 the end;

7 (2) in subparagraph (HH), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(II) pharmacist services and such services and
12 supplies furnished as an incident to the pharmacist’s
13 service as would otherwise be covered under part B
14 if furnished by a physician or as an incident to a
15 physician’s service that—

16 “(i) are furnished by a pharmacist, as li-
17 censed or otherwise authorized—

18 “(I) under State law; or

19 “(II) under section 319F–3 or section
20 361 of the Public Health Service Act, or
21 other similar Federal law;

22 “(ii) would otherwise be covered under part
23 B if furnished by a physician, or as incident to
24 a physician’s service; and

25 “(iii) are services—

1 “(I) for testing and testing-related
2 services for COVID–19, influenza, res-
3 piratory syncytial virus, or streptococcal
4 pharyngitis;

5 “(II) for the initiation of a drug regi-
6 men for COVID–19, influenza, or strepto-
7 cocal pharyngitis;

8 “(III) for the administration of a vac-
9 cine and related services for COVID–19 or
10 influenza;

11 “(IV) that address a public health
12 need related to a public health emergency
13 under section 319F–3 or section 361 of
14 the Public Health Service Act, or other
15 similar Federal law; or

16 “(V) as determined by the Secretary
17 by program instruction or otherwise, in-
18 cluding the closing of gaps in health eq-
19 uity.”.

20 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
21 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

22 (1) by striking “and (DD)” and inserting
23 “(DD)”; and

24 (2) by inserting before the semicolon at the end
25 the following: “(EE) with respect to pharmacist

1 services described in section 1861(s)(2)(II) for which
2 payment may be made under section 1848, the
3 amounts paid shall be equal to 85 percent (or 100
4 percent, in the case of such services furnished pursu-
5 ant to a Federal emergency authority described in
6 clause (i)(II) of such section) of an amount deter-
7 mined by the Secretary or the lesser of the actual
8 charge for the services or the physician fee schedule
9 amount provided under section 1848 if such services
10 had been furnished by a physician”.

11 (c) REASSIGNMENT OF PAYMENT.—Section 1833 of
12 the Social Security Act (42 U.S.C. 1395l) is amended by
13 adding at the end the new subsection:

14 “(ee) With respect to pharmacist services described
15 in section 1861(s)(2)(II) payment may be made on the
16 basis of a claim or request for payment presented by the
17 pharmacist furnishing such services, or by a pharmacy,
18 hospital, critical access hospital, skilled nursing facility or
19 nursing facility (as defined in section 1919(a)), physician,
20 group practice, or ambulatory surgical center with which
21 the pharmacist has an employment or contractual relation-
22 ship that provides for payment to be made under this part
23 for such services to such pharmacy, hospital, critical ac-
24 cess hospital, skilled nursing facility or nursing facility,
25 physician, group practice, or ambulatory surgical center.”.

1 (d) PROHIBITION ON BALANCE BILLING FOR PHAR-
2 MACIST SERVICES.—Section 1842(b)(18)(C) of the Social
3 Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by
4 adding at the end the following:

5 (vii) A pharmacist.”.

6 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed—

8 (1) to limit flexibilities provided under section
9 410.32 of title 42, Code of Federal Regulations (or
10 any successor regulation) in response to COVID–19;
11 or

12 (2) to restrict the ability of pharmacies and
13 pharmacists to enroll and obtain reimbursement
14 under existing pathways under title XVIII of the So-
15 cial Security Act (42 U.S.C. 1395 et seq.) as of the
16 date of the enactment of this Act, including reim-
17 bursement as mass immunizers.

18 (f) IMPLEMENTATION AUTHORITY.—Notwith-
19 standing any other provision of law, the Secretary of
20 Health and Human Services shall implement the provi-
21 sions of, and the amendments made by, this section by
22 interim final rule, program instruction, or otherwise not
23 later than the date that is 60 days after the date of the
24 enactment of this Act.