

116TH CONGRESS
2D SESSION

H. R. 6557

To amend title XIX of the Social Security Act to increase the Federal medical assistance percentage under the Medicaid program for States providing certain coverage relating to covered outpatient drugs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Ms. ESHOO (for herself and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to increase the Federal medical assistance percentage under the Medicaid program for States providing certain coverage relating to covered outpatient drugs, and for other purposes.

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 “Medication Access Im-
5 proves Lives Act” or the “MAIL Act”.

1 **SEC. 2. INCREASE IN MEDICAID FMAP FOR STATES PRO-**
2 **VIDING CERTAIN COVERAGE RELATING TO**
3 **COVERED OUTPATIENT DRUGS.**

4 (a) IN GENERAL.—Section 1905(b) of the Social Se-
5 curity Act (42 U.S.C. 1396d(b)) is amended by adding
6 at the end the following new sentence: “Beginning April
7 1, 2020, in the case of a State that provides medical as-
8 sistance for covered outpatient drugs (as defined in section
9 1927(k)), including such drugs dispensed by a mail order
10 pharmacy, the Federal medical assistance percentage de-
11 termined under this subsection (and subsections (y) and
12 (ff) (as applicable)) shall be increased by 1 percentage
13 point with respect to medical assistance for such drugs,
14 but in no case may such percentage exceed 100 percent
15 for such medical assistance.”.

16 (b) CONFORMING AMENDMENTS.—Section 1905 of
17 the Social Security Act (42 U.S.C. 1396d) is amended—

18 (1) in subsection (y)(1), by inserting after
19 “Notwithstanding subsection (b)” the following:
20 “(but subject to the sixth sentence of such sub-
21 section (relating to a Federal medical assistance per-
22 centage increase with respect to medical assistance
23 for covered outpatient drugs))”; and

24 (2) in subsection (ff), by inserting after “Not-
25 withstanding subsection (b)” the following: “(but
26 subject to the sixth sentence of such subsection (re-

1 lating to a Federal medical assistance percentage in-
2 crease with respect to medical assistance for covered
3 outpatient drugs))”.

4 **SEC. 3. REQUIRING STATES THAT PROVIDE MEDICAL AS-**
5 **SISTANCE FOR COVERED OUTPATIENT**
6 **DRUGS TO ALLOW FOR UP TO 3-MONTH SUP-**
7 **PLY OF FILLS AND REFILLS OF SUCH DRUGS.**

8 Section 1927(a) of the Social Security Act (42 U.S.C.
9 1396r-8(a)) is amended by adding at the end the fol-
10 lowing new paragraph:

11 “(8) REQUIREMENT TO ALLOW FOR UP TO 3-
12 MONTH SUPPLY OF FILLS AND REFILLS.—

13 “(A) IN GENERAL.—In order for payment
14 to be available under section 1903(a) for a cov-
15 ered outpatient drug that is administered on or
16 after the first day of the first full month fol-
17 lowing the date of the enactment of this para-
18 graph, the State shall permit any individual en-
19 rolled under the State plan (or a waiver of such
20 plan) to obtain in a single fill or refill, at the
21 option of such individual, the total day supply
22 (not to exceed a 90-day supply) prescribed for
23 such individual for a covered outpatient drug,
24 without regard to any cost and utilization man-
25 agement, medication therapy management, or

1 other such program that would otherwise apply
2 under such plan (or waiver).

3 “(B) SAFETY EDIT.—The State may not
4 permit an individual enrolled under the State
5 plan (or a waiver of such plan) to obtain a sin-
6 gle fill or refill of a covered outpatient drug
7 under such State plan (or waiver) if such fill or
8 refill would be inconsistent with an applicable
9 safety edit under such plan (or waiver).”.

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