

118TH CONGRESS  
1ST SESSION

# S. 2493

To require the Medicare Payment Advisory Commission (MedPAC) submit to Congress two reports on arrangements with pharmacy benefit managers with respect to prescription drug plans and MA–PD plans.

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## IN THE SENATE OF THE UNITED STATES

JULY 25, 2023

Mr. WARNER (for himself, Mr. THUNE, Ms. CORTEZ MASTO, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To require the Medicare Payment Advisory Commission (MedPAC) submit to Congress two reports on arrangements with pharmacy benefit managers with respect to prescription drug plans and MA–PD plans.

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 “PBM Reporting Trans-  
5 parency Act”.

1 **SEC. 2. MEDPAC REPORTS ON AGREEMENTS WITH PHAR-**  
2 **MACY BENEFIT MANAGERS WITH RESPECT**  
3 **TO PRESCRIPTION DRUG PLANS AND MA-PD**  
4 **PLANS.**

5 (a) IN GENERAL.—The Medicare Payment Advisory  
6 Commission shall submit to Congress the following re-  
7 ports:

8 (1) Not later than March 31, 2026, a report on  
9 agreements with pharmacy benefit managers with  
10 respect to prescription drug plans and MA–PD  
11 plans. Such report shall include—

12 (A) a description of trends, including high-  
13 level averages and totals for each of the types  
14 of information submitted;

15 (B) an analysis of any differences in agree-  
16 ments and their effects on plan enrollee out-of-  
17 pocket spending and average pharmacy reim-  
18 bursement, and any other impacts; and

19 (C) any recommendations the Commission  
20 determines appropriate.

21 (2) Not later than March 31, 2028, a report de-  
22 scribing any changes with respect to the information  
23 described in paragraph (1) over time, together with  
24 any recommendations the Commission determines  
25 appropriate.

1 (b) CONFIDENTIALITY.—The Commission shall not  
2 report in a manner that would identify a specific pharmacy  
3 benefit manager or their affiliates, PDP sponsor, MA or-  
4 ganization, or plan, or the prices charged for specific  
5 drugs.

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