

115TH CONGRESS  
2D SESSION

# S. 2908

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

Mr. ROBERTS (for himself, Mr. CARPER, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D 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. ELECTRONIC PRIOR AUTHORIZATION FOR COV-**  
4 **ERED PART D DRUGS.**

5 Section 1860D–4(e)(2) of the Social Security Act (42  
6 U.S.C. 1395w–104(e)(2)) is amended by adding at the end  
7 the following new subparagraph:

8 “(E) ELECTRONIC PRIOR AUTHORIZA-  
9 TION.—

1           “(i) IN GENERAL.—Not later than  
2           January 1, 2021, the program shall pro-  
3           vide for the secure electronic transmittal  
4           of—

5                   “(I) a prior authorization request  
6                   from the prescribing health care pro-  
7                   fessional for coverage of a covered  
8                   part D drug for a part D eligible indi-  
9                   vidual enrolled in a part D plan (as  
10                  defined in section 1860D–23(a)(5)) to  
11                  the PDP sponsor or Medicare Advan-  
12                  tage organization offering such plan;  
13                  and

14                   “(II) a response, in accordance  
15                   with this subparagraph, from such  
16                   PDP sponsor or Medicare Advantage  
17                   organization, respectively, to such pro-  
18                   fessional.

19           “(ii) ELECTRONIC TRANSMISSION.—

20                   “(I) EXCLUSIONS.—For purposes  
21                   of this subparagraph, a facsimile, pro-  
22                   prietary payer portal that meets such  
23                   standards as specified by the Sec-  
24                   retary, or electronic form shall not be

1 treated as an electronic transmission  
2 described in clause (i).

3 “(II) STANDARDS.—In order to  
4 be treated, for purposes of this sub-  
5 paragraph, as an electronic trans-  
6 mission described in clause (i), such  
7 transmission shall comply with tech-  
8 nical standards adopted by the Sec-  
9 retary in consultation with the Na-  
10 tional Council for Prescription Drug  
11 Programs, other standard setting or-  
12 ganizations determined appropriate by  
13 the Secretary, and stakeholders in-  
14 cluding PDP sponsors, Medicare Ad-  
15 vantage organizations, health care  
16 professionals, and health information  
17 technology software vendors.”.

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